

CA1
YX 100
-55575

CAN. LAWS, STATUTES

STATUTORY ORDERS - - -



Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

<https://archive.org/details/31761115501777>

Gov. Doc.
Can
P



CANADA

STATUTORY ORDERS AND REGULATIONS

CONSOLIDATION, 1955

VOLUME II

E to K

Published under authority of the Regulations Act

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.

Gov. Doc.
Can
P



STATUTORY ORDERS AND REGULATIONS

K

STATUTES 7
CAN

CONSOLIDATION, 1955

711136

VOLUME II

E to K

Published under authority of the Regulations Act

EDMOND CLOUTIER, C.M.G., O.A., P.S.E.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.

TABLE OF CONTENTS

VOLUME II

	PAGE
ELECTRICAL AND PHOTOMETRIC UNITS ACT	1035
ELECTRICITY AND FLUID EXPORTATION ACT	1035
ELECTRICITY INSPECTION ACT	1039
EMERGENCY GOLD MINING ASSISTANCE ACT	1050
EXCHEQUER COURT ACT	1060
EXCISE ACT	1060
EXCISE TAX ACT	1188
EXPLOSIVES ACT	1188
EXPORT ACT	1221
EXPORT AND IMPORT PERMITS ACT	1221
EXPORT CREDITS INSURANCE ACT	1250
FAIR WAGES AND HOURS OF LABOUR ACT	1250
FAIR WAGES POLICY	1251
FAMILY ALLOWANCES ACT	1258
FARM IMPROVEMENT LOANS ACT	1269
FARMERS' CREDITORS ARRANGEMENT ACT	1280
FEDERAL DISTRICT COMMISSION ACT	1292
FEEDING STUFFS ACT	1296
FERRIES ACT	1318
FERTILIZERS ACT	1319
FINANCIAL ADMINISTRATION ACT	1329
FISH INSPECTION ACT	1400
FISHERIES ACT	1429
FISHERIES PRICES SUPPORT ACT	1672
FOOD AND DRUGS ACT	1673
FOOT AND MOUTH DISEASE, ACT FOR CONTROL AND EXTIRPATION OF	1807
FOREIGN ENLISTMENT ACT	1807
FOREIGN INSURANCE COMPANIES ACT	1807
FRUIT, VEGETABLES AND HONEY ACT	1807
GAME EXPORT ACT	1807
GAS INSPECTION ACT	1807
GOLD EXPORT ACT	1822

	PAGE
GOVERNMENT ANNUITIES ACT	1824
GOVERNMENT EMPLOYEES COMPENSATION ACT	1830
GOVERNMENT HARBOURS AND PIERS ACT	1831
GOVERNMENT PROPERTY TRAFFIC ACT	1838
GOVERNMENT RAILWAYS ACT	1842
GOVERNMENT WORKS TOLLS ACT	1842
GRAIN FUTURES ACT	1842
HAY AND STRAW INSPECTION ACT	1842
HISTORIC SITES AND MONUMENTS ACT	1855
HOME IMPROVEMENT LOANS GUARANTEE ACT	1855
IDENTIFICATION OF CRIMINALS ACT	1855
IMMIGRATION ACT	1855
INCOME TAX ACT	1868
INDIAN ACT	1941
INDUSTRIAL DESIGN AND UNION LABEL ACT	1975
INDUSTRIAL RELATIONS AND DISPUTES INVESTIGATION ACT	1977
INLAND WATER FREIGHT RATES ACT	1988
INSPECTION AND SALE ACT	1989

ELECTRICAL AND PHOTOMETRIC UNITS ACT.

(R.S.C., 1952, c. 92)

No regulations have been made under this statute.

ELECTRICITY AND FLUID EXPORTATION ACT.

(R.S.C., 1952, c. 93)

Electricity and Fluid Export Regulations

P.C. 1954-1522

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and under the authority of the Electricity and Fluid Exportation Act, is pleased to order as follows:

1. The Regulations respecting exportation of electricity and fluid, established by Order in Council P.C. 5179 of 10th November, 1948, as amended, are hereby revoked; and

2. The annexed "Regulations respecting the exportation of electricity and fluid" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE EXPORTATION OF ELECTRICITY AND FLUID

1. These regulations may be cited as the *Electricity and Fluid Export Regulations*.

2. In these regulations,

- (a) "electricity" means electric power or electric energy;
- (b) "Minister" means the Minister of Trade and Commerce;
- (c) "petroleum" includes all liquid products of petroleum; and
- (d) "unit" means (i) in respect of electric power, one kilowatt; (ii) in respect of electric energy, one kilowatt hour, that is, 1,000 watts passing for one hour; (iii) in respect of a liquid, one Imperial gallon or one cubic foot as defined in the Weights and Measures Act; and (iv) in respect of a gas, one cubic foot as defined in the regulations made under the Gas Inspection Act.

**PART I—*Export of Electricity, Petroleum or Natural Gas
Licence to Export***

3. (1) An application for a licence to export from Canada, by transmission or pipe line, electricity, petroleum or natural gas shall be made to the Minister on a form of application prescribed by the Minister.

(2) The applicant shall complete such form in duplicate in all respects, shall furnish therein all information required by the form, shall indicate

Electrical and Fluid Exportation Act—continued

therein any transmission line or pipe line that is to be used, shall forward the duplicate completed forms to the Minister and shall furnish such further information as the Minister may require.

(3) The applicant shall pay with an application for any licence a licence fee of twenty-five dollars which shall be refunded if the licence is not granted.

4. (1) If the Governor in Council, on the recommendation of the Minister, grants a licence to the applicant to export any electricity, petroleum or natural gas, the licence shall be issued by the Minister and shall be subject to the terms and conditions therein and herein set forth; and any such licence may provide for the limitation of the quantity of power or fluid to be exported, in accordance with section 7 of the Electricity and Fluid Exportation Act.

(2) In the case of electricity or petroleum, every licence shall terminate on the last day of March next following its effective date or on such earlier date of termination as may be specified in the licence.

(3) In the case of natural gas, every licence shall be valid for such period as may be specified therein and shall terminate at the conclusion of such period.

(4) If a licensee desires to continue the export authorized by his licence, he shall, not later than one month before its date of termination, make an application for a further licence.

5. (1) A monthly report shall be made by the licensee to the Director of Standards, Department of Trade and Commerce, in such form as the Director may prescribe, to be mailed to the Director not later than the 15th day of the month following the month to which the report relates, showing

- (a) the total number of units of electricity, petroleum or natural gas exported by the licensee during such month; and
- (b) full particulars of the generating plants, wells or other sources of the exported electricity, petroleum or natural gas, showing separately the total number of units thereof generated or produced thereat in such month (i) for export and (ii) for consumption in Canada.

(2) If the exported electricity, petroleum or natural gas is not generated or produced by the licensee, his monthly report need only show the total number of units exported in accordance with paragraph (a) of subsection (1), and the monthly report showing the particulars set forth in paragraph (b) of subsection (1) shall be made by the person who supplies the licensee with the exported electricity, petroleum or natural gas; in any case in which the Minister is of opinion that neither such person nor the licensee is able to furnish all the particulars required by paragraph (b) of subsection (1), the Minister may give such special directions as he deems proper to fulfil the general intent of that subsection.

(3) The export duty of three one-hundredths of one cent (.030¢) per kilowatthour imposed on exported electricity by proclamation published pursuant to Order in Council P.C. 397 of 16th March, 1925, shall be paid monthly by the exporter by marked cheque payable to the Receiver General of Canada, which shall be attached to the report required by this section together with the meter readings upon which the amount of the cheque is based and listing the serial numbers of the meters.

Electrical and Fluid Exportation Act—continued

6. (1) For the measurement of the electricity, petroleum or natural gas exported under any licence, the instruments and method shall be those permitted under the Electricity Inspection Act, the Weights and Measures Act and the Gas Inspection Act, respectively, subject to any special directions of the Minister.

(2) When electricity is exported, such instruments shall be installed by the licensee or by his supplier in a manner that will show the total number of units of energy (a) generated by him for export, (b) generated by him for consumption in Canada, (c) actually exported, and that will show the maximum rate of export at any time.

7. (1) A licence for the export of electricity shall state the maximum rate in terms of kilowatts and the maximum quantity in terms of kilowatt-hours that may be exported under the licence.

(2) A licence for the export of petroleum or natural gas shall state the number of gallons or cubic feet, as the case may be, that may be exported under the licence.

Licence to Construct Line

8. (1) An application for a licence to construct a transmission line for the exportation of electricity or a pipe line for the exportation of petroleum or natural gas shall be made to the Minister on a form of application prescribed by the Minister.

(2) The applicant shall complete such form in duplicate in all respects, shall furnish therein all information required by the form, shall forward the duplicate completed forms to the Minister and shall furnish such further information as the Minister may require.

9. (1) With his application, the applicant shall furnish a drawing or map showing the proposed location of the transmission line or pipe line and any extension thereof and shall state

- (a) the gauge of any proposed wire conductors for the transmission of electricity;
- (b) the diameter in inches of any proposed pipe; and
- (c) the number of such conductors or pipes that he proposes to construct.

(2) In addition, the applicant shall give in full such information regarding voltages, impedances, pressures, velocities, heads and other characteristics of the wires, pipes and generating or pumping equipment as may be necessary to permit an accurate computation of the maximum capacity of such transmission lines or pipes under all conditions attainable in use.

10. If the Governor in Council, on the recommendation of the Minister, grants a licence to the applicant to construct any transmission line or pipe line, the licence shall be issued by the Minister and shall be subject to the terms and conditions therein and herein set forth.

General Provisions

11. The price charged by any licensee for any electricity, petroleum or natural gas exported by him shall not be lower than the price at which electricity, petroleum or natural gas, respectively, is supplied by him or by his supplier in similar quantities and under similar conditions of sale for consumption in Canada.

Electrical and Fluid Exportation Act—continued

12. Any officer authorized by the Minister to make inspection may at all reasonable times enter any premises in which electricity, petroleum or natural gas is generated or produced for export, in order

- (a) to inspect the plant and test any wires, pipes, meters or other measuring devices through which the electricity, petroleum or natural gas is supplied; and
- (b) to inspect any books and records for the purpose of ascertaining the quantities of electricity, petroleum or natural gas supplied and the prices charged therefor and any other information relevant to the administration of the Electricity and Fluid Exportation Act or of these regulations.

13. The accuracy of every meter or measuring device through which electricity, petroleum or natural gas is sold in Canada or exported shall be subject to verification in accordance with the Electricity Inspection Act, the Weights and Measures Act, or the Gas Inspection Act, respectively, and regulations made thereunder.

PART II—*Export of Fluids other than Petroleum or Natural Gas*

14. (1) An application to export by pipe line any fluid other than petroleum or natural gas, including any fluid consisting of a suspension of a substance in a liquid or gas, shall be made to the Minister on a form of application prescribed by the Minister.

(2) The applicant shall complete the form in duplicate in all respects, shall furnish therein all information required by the form, shall indicate therein any pipe line that is to be used, shall forward the duplicate completed forms to the Minister and furnish such further information as the Minister may require; the applicant shall pay with the application a licence fee of twenty-five dollars which shall be refunded if the licence is not granted.

(3) If the Governor in Council, on the recommendation of the Minister, grants a licence to export the fluid, the licence shall be issued by the Minister, shall be subject to the terms and conditions therein set forth and shall terminate as therein specified.

(4) Reports at such times and with such particulars as may be specified in the licence or prescribed by the Minister from time to time shall be made by the licensee to the Director of Standards.

15. (1) An application for a licence to construct a pipe line for the exportation of the fluid shall be made to the Minister on a form of application prescribed by the Minister.

(2) The applicant shall complete the form in duplicate in all respects, shall furnish therein all information required by the form, shall forward the duplicate completed forms to the Minister and furnish such further information as the Minister may require.

(3) With the application, the applicant shall furnish a drawing or map showing the proposed location of the pipe line and any extension thereof, and shall

- (a) state the number and diameter in inches of all pipes to be used, and

Electricity and Fluid Exportation Act—concluded

- (b) give in full such particulars of the pipes and pumping equipment as may be necessary to permit an accurate computation of the maximum capacity of such pipes under all conditions attainable in use.

(4) If the Governor in Council, on the recommendation of the Minister, grants a licence to construct the pipe line, the licence shall be issued by the Minister and shall be subject to the terms and conditions therein set forth.

16. (1) The accuracy of every meter or measuring device through which the fluid is sold in Canada or exported by the licensee shall be subject to verification in accordance with the Weights and Measures Act or Gas Inspection Act, as the case may be, and regulations made thereunder.

(2) Any officer authorized by the Minister to make inspection may at all reasonable times enter the licensee's premises in order to inspect the plant and test any pipe, meter or other measuring device through which the fluid is supplied and to inspect any books and records for the purpose of ascertaining the quantities of fluid supplied, the prices charged therefor and any other information relevant to the administration of the Electricity and Fluid Exportation Act or of these regulations.

ELECTRICITY INSPECTION ACT. (R.S.C., 1952, c. 94)

	Page
1. <i>Schedule of fees, verification of meters</i>	1039
2. <i>Electricity Inspection Regulations</i>	1041

1. Schedule of Inspection Fees for Electricity Meters

P.C. 3949

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 15th day of August, 1950.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by section twenty-one of The Electricity Inspection Act, 1928, is pleased to order as follows:

1. The Schedule of Fees established for the verification of electricity meters by Order in Council P.C. 2668 of 15th November 1915, is hereby revoked; and

2. The tariff of fees hereto annexed, entitled "Schedule of Inspection Fees for Electricity Meters", is hereby made and established in substitution for the Schedule of Fees hereby revoked.

Electricity Inspection Act—continued

SCHEDULE OF INSPECTION FEES FOR ELECTRICITY METERS

Type and Class of Meter	Regular Test	In Situ Test
	\$ cts.	\$ cts.
PART I—AMPEREHOURL AND WATTHOURL METERS		
Class 1—All self-contained,		
(a) Amperehour meters of any type or capacity for use on circuits not exceeding 650 volts.....	60	1 60
(b) Single-phase, two-wire A.C. meters of any type or capacity for use on circuits not exceeding 650 volts...	0 60	1 60
(c) Two-wire D.C. meters with or without shunts of any type or capacity for use on circuits not exceeding 850 volts.....	0 60	1 60
Class 2—Same as Class 1 but for three-wire.....	0 75	1 75
Class 3—All self-contained, polyphase watthour meters of any type or capacity for use on circuits not exceeding 650 volts...	1 00	3 00
PART II—DEMAND METERS, DEMAND ATTACHMENTS, GRAPHIC METERS		
Any type or capacity for use on circuits not exceeding 650 volts...	1 50	3 50
PART III—COMBINATION METERS (A combination meter is one that performs the function of more than one of the above scheduled meters under one cover.)		
Class 1—Two-wire watthour, with demand register.....	2 10	4 10
Class 2—Three-wire, single-element watthour, with demand register.....	2 25	4 25
Class 3—Polyphase watthour, with demand register.....	2 50	6 50
PART IV—PREPAYMENT ATTACHMENTS A prepayment device attached to any type of meter.....	0 50	0 50
PART V—METERS TESTED WITH EXTERNAL TRANSFORM- ERS Meters tested with external transformers having capacities up to and including 400 amperes and 6600 volts and/or external phase shifting transformers, (a) for every meter—the fee as specified in this Schedule. (b) additional fee for each and every transformer.....	2 50	3 50
PART VI—For any special test or verification not covered above, the fee will be specified on application to the Department.....	.....	.....
PART VII—For every voltage test made on request.....	1 50	1 50
PART VIII—For every frequency test made on request.....	1 50	1 50

Electricity Inspection Act—continued

2. Electricity Meter Regulations

P.C. 1954-1664

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to section 4 of the Electricity Inspection Act, is pleased to order as follows:

1. The Regulations respecting electricity meters, established by Order in Council P.C. 4449 of 29th August, 1951, as amended, are hereby revoked; and

2. The annexed "Regulations respecting electricity meters" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING ELECTRICITY METERS

1. These regulations may be cited as the *Electricity Meter Regulations*.

2. In these regulations,

(a) "Act" means the Electricity Inspection Act;

(b) "Director" means the Director of Standards, Department of Trade and Commerce, Ottawa;

(c) "type", with reference to electricity meters, means any group of meters built by a manufacturer to a definite specification under a specific designation of which the component parts, such as the electric and magnetic circuits, magnets, rotors (if any) and housings, are substantially identical; and

(d) any other expression used in these regulations that is defined in the Act shall have such defined meaning.

3. (1) Part I of these regulations sets forth the requirements that shall be observed in order that types of electricity meters may be approved for the purposes of the Act.

(2) Part II sets forth the requirements according to which every electricity meter of an approved type shall be verified and re-verified.

(3) Part III sets forth the units of measure according to which electricity shall be sold, the manner in which instruments indicating electrical quantities shall be calibrated and the standards that shall be maintained for inspection purposes.

PART I—APPROVAL OF TYPES OF METERS

Required Tests

4. Every type of meter shall conform to such tests as are prescribed by the Director, the specification for which tests shall be published and be available to manufacturers and, when changed, shall not be made effective until after reasonable notice has been given of the changed requirements.

Electricity Inspection Act—continued*Submission of Samples*

5. (1) At least five samples of the type shall be submitted to the Director for approval, except that, in the case of unusual types and types of limited use, the Director may decide on the number required for examination; not more than one sample shall be retained and, in the case of meters of the value of \$50 or over, all samples shall be returned.

(2) The samples shall be accompanied by two typewritten or printed specifications and two sets of plans completely describing the construction and operation of the meter, including characteristic curves and a complete list of rating for which approval is requested; the reference figures shall be bold and distinct; after approval of any meter, as many sets of plans shall be provided as the Director requires; when, subsequently, any additional capacities are introduced, approval shall be obtained.

(3) The samples submitted shall be those which represent the average of the type to be manufactured.

Limitation of Approval

6. (1) The approval of any particular type of meter applies only to meters which are in precise accord with the samples submitted and with the specifications and drawings relating thereto.

(2) Approval of an individual meter of a given type for a special purpose may be granted, but the Director shall require that further samples of the type be submitted before general approval is given.

(3) Any approved meter may be re-examined when occasion arises and, if faults are found which the manufacturer is unable to correct to the satisfaction of the Director, the supply of further meters of that type may be prohibited.

(4) The following requirements apply when an approved type of meter is altered:

- (a) Where an alteration is proposed to be made in the construction of an approved type, descriptive information shall be submitted to the Director who shall decide whether the alteration may be accepted as an immaterial one and hence included within the approval, or whether further tests are required; should he decide that an alteration is material samples shall be submitted as he may require;
- (b) Where a type which has been approved in a simple form, such as a 2-wire, single-phase watthour meter, is developed into a more complex form, such as a 3-wire, single-phase or polyphase meter, the more complex form shall not be considered approved until samples have been submitted and approved as in the case of a new type; and
- (c) Meters which, after approval, are rebuilt to a different speed shall be deemed to be altered meters, and samples shall be submitted for approval as in the case of a new type.

PART II—VERIFICATION AND RE-VERIFICATION OF METERS*Presentation for Verification and Re-verification*

7. Before being put into service, every approved meter shall be presented by the contractor to an inspector for verification and, except as provided in section 12, the following periods for re-verification and re-sealing shall apply, namely,

Electricity Inspection Act—continued

- (a) for new meters that are put into service on or after March 1, 1953, and that are single-phase watthour meters of the "A" and "S" base types, of the Measurement Limited types "ZF2C" and "ZF3C", of the Smith Meters Limited types "AR" and "APR", of the Landis and Gyr type "CG-10" or of such other types as may be approved in accordance with these regulations, eight years;
- (b) for meters of any of the types described in paragraph (a) and that are in service on March 1, 1953, six years from the date of their last re-verification and re-sealing and, at the conclusion of that period and their re-verification, eight years for each subsequent re-verification;
- (c) for meters of any of the types described in paragraph (a) that are single-phase meters used with instrument transformers or single-phase meters rebuilt from one frequency to another, six years; and
- (d) for all other meters, new or old, single-phase or otherwise, with the exception of meters that have been scrapped, lost or destroyed, six years.

Testing Facilities

8. (1) The contractor shall place at the disposal of the inspector a suitable space equipped for the accurate testing of all meters to be verified or re-verified; the space shall be well heated and lighted, free from dust and dirt and reasonably free from vibration; meters shall have been at room temperature for twelve hours before being presented for verification.

(2) The space shall be equipped with a test board or boards, on which all routine tests can be conveniently and accurately made; a blue print of a suitable board may be obtained from the Director.

Inspection Number

9. An inspection number, prefixed with a code number when used, shall be placed by the contractor on every meter before submitting it to the inspector for verification; the number shall be applied on the portion of the meter that carries the maker's serial number, or on some portion of the meter that is satisfactory to the inspector, and shall thereafter remain on the meter while it is used by the contractor.

Meter Records

10. (1) Every contractor shall keep, and produce for inspection on demand a complete and accurate record of all his meters; a meter register book can be obtained from the Director for the purpose of assisting contractors in complying with sections 13 and 14 of the Act and these regulations; where a suitable card record is kept, the meter register book is not required.

(2) In the case of a meter installed with instrument transformers or shunts, a record shall also be kept for inspection, showing the identity of each shunt or transformer, the date of the last test, and the result of the test on the shunt or transformer; the record shall also show details of the burdens imposed on the transformers.

Electricity Inspection Act—continued*Seals on Meters*

11. (1) When the sealing device of a meter requires the use of wire, the contractor shall provide the necessary wire and shall, if required by the inspector, affix it in readiness for sealing by the inspector.

(2) When required by the inspector, the date on the seal of a meter, broken by the contractor for any purpose, shall be transferred to the meter cover in some suitable manner, in order to assist the inspector in locating it in the meter record.

(3) A sealed meter shall not be opened except under the conditions prescribed by the Act or these regulations, and any person who obtains access to the interior of a sealed meter shall be deemed to have broken the seal of that meter.

Testing of Installed Meters

12. The following requirements shall be observed in regard to installations and to the testing of meters while installed:

- (a) Every installation of meters, transformers or phase shifters shall be so arranged as to facilitate access for examination and testing while installed; ancillary equipment, such as relays or other equipment not concerned with commercial metering, shall not be used if it interferes with the convenient and proper testing of the installation;
- (b) All secondary transformer leads shall be adequately and permanently marked for identification purposes;
- (c) In any test or examination of an installation, the owner or user shall give the inspector such assistance and co-operation as may be necessary for the efficient and accurate discharge of his duties; and
- (d) When the test of an installation is to settle a dispute, the contractor shall, at the expense of the party against whom the decision is given, supply all wire and leads and make all connections with the inspection standards under direction of the inspector, who shall have free access to all parts of the service during such test.

Liability of Contractor for Expenses of Inspector

13. Where arrangements have been made with a contractor for the testing of meters and, through the fault of the contractor, the meters are not ready and the testing must be postponed, or in the event of the testing facilities provided by the contractor being of such a character as to render the testing impracticable, or if no testing facilities have been provided, the contractor shall be liable for and shall pay the travelling expenses of the inspector.

Inspection Fees Due at Time of Test

14. The fee for the testing of any meter is due and payable in every case when the verification or re-verification is made, irrespective of the results of the test and, in the event of payment being refused, the meter shall be impounded by the inspector until the fee is paid.

Electricity Inspection Act—continued

Inspection of Meters

15. The following rules shall be observed by inspectors:

- (a) The standards to be used for inspection are those supplied by the Director; an inspector may, in special cases, use an instrument not the property of Her Majesty provided it has been calibrated by the inspector immediately prior to such use;
- (b) Every meter shall be tested as nearly as possible under the same conditions as to voltage and frequency as those to which it will be subjected when in service, and the potential coil should be energized for at least two hours before the test;
- (c) It is not the duty of an inspector to make any adjustments or to repair any meters presented to him for verification;
- (d) Every meter which requires to be sealed and which contains within the portion sealed more than one device shall have all the devices verified before it is sealed;
- (e) No meter shall be sealed unless it comes within all the conditions prescribed in these regulations respecting the classification to which it belongs and unless
 - (i) in the case of a new meter, it has been examined by the contractor before being presented to an inspector for verification and sealing to ensure, as minimum requirements, that registers are securely fastened and are properly meshed with the shaft gear or worm, that all pointers are tight on their shafts, that the disc runs true and is properly centered between the magnets and that no foreign material is present on the magnets,
 - (ii) in the case of new meters, the contractor has, before presentation for inspection, tested at least five per cent of any group of meters presented or at least five meters, whichever is the greater or, where the group presented is five or less, has tested all meters in the group, and
 - (iii) in the case of all meters presented to an inspector for re-verification and re-sealing, the owner has properly cleaned and calibrated them prior to such presentation.

Integrating Meters

16. (1) Integrating meters are the following:

- (a) watthour meter, a device which registers in terms of kilowatt-hours the electric energy consumed in the circuit in which it is installed;
- (b) amperehour meter, a meter which registers in terms of ampere-hours the quantity of electricity which passes through the circuit in which it is installed;
- (c) volt-amperehour meter, a watthour meter in which the phase relation of the applied voltage has been changed by a phasing transformer or other suitable means, so that the registration will be true volt-amperehours at a definite power factor; and
- (d) reactive volt-amperehour meter, a watthour meter the potential of which has been shifted by ninety electrical degrees from its normal position.

Electricity Inspection Act—continued

(2) The following provisions respecting accuracy, creep, register mechanism and departmental tests apply to watthour meters:

(a) *Accuracy*—The limits of permissible error are as follows:

- (i) *Unity Power Factor*—No alternating current watthour meter shall be sealed which shows an error of registration under all conditions of supply as regards voltage and frequency of over 3 per cent at any load between 10 per cent and 125 per cent of rated current, or, in the case of overload compensated meters, between 10 per cent of rated current and 75 per cent of maximum current;
- (ii) *Power Factor other than Unity*—No alternating current watt-hour meter shall be sealed which shows an error of over 3 per cent at any load between 20 per cent and 125 per cent of rated current, or, in the case of overload compensated meters, between 20 per cent and 75 per cent of maximum current for any power factor between 50 per cent and unity;
- (iii) No direct current watthour meter shall be sealed which shows an error of registration of over 3 per cent at any load between 25 per cent and 100 per cent, inclusive, of rated current at service voltage;

(b) *Creep*—No watthour meter which creeps more than one revolution shall be sealed;

(c) *Register Mechanism*—No watthour meter shall be sealed which has a defective register mechanism or which registers incorrectly.

(3) *Departmental Tests*—The details of the tests required to ensure that paragraphs (a), (b) and (c) of subsection (2) are satisfactorily complied with shall be determined from time to time by the Director; specifications of the tests required shall be published, be available on request and, when changed, shall not be made effective until after reasonable notice has been given of the changed requirement.

(4) *Volt-amperehour Meters and Reactive Volt-amperehour Meters*—The provisions of subsection (2) respecting watthour meters apply with the necessary modifications to volt-amperehour meters and reactive volt-amperehour meters.

(5) *Amperehour Meters*—The following provisions respecting accuracy, register mechanism and departmental tests apply to amperehour meters:

(a) *Accuracy*—The limits of permissible error are as follows:

- (i) No alternating current amperehour meter shall be sealed which shows an error of registration of over 3 per cent at any load between 10 per cent and 125 per cent of rated current;
- (ii) No direct current amperehour meter shall be sealed which shows an error of registration of over 3 per cent at any load between 25 per cent and 100 per cent, inclusive, of rated current;

(b) *Register Mechanism*—No amperehour meter shall be sealed which has a defective register mechanism or which registers incorrectly.

(6) *Departmental Tests*—The details of the tests required to ensure that paragraphs (a) and (b) of subsection (5) are satisfactorily complied with shall be determined from time to time by the Director; specifications of the tests required shall be published, be available on request and, when changed, shall not be made effective until after reasonable notice has been given of the changed requirements.

Electricity Inspection Act—continued

Indicating Instruments

17. (1) The following provision applies to indicating instruments which include all meters of which the readings are taken from the position of a movable pointer against a fixed scale: the error of such meters under all conditions of supply shall not exceed $2\frac{1}{2}$ per cent of the full scale reading over the whole marked range of the instrument.

(2) *Departmental Tests*—The details of the tests required to ensure that the provision of subsection (1) is satisfactorily complied with shall be determined from time to time by the Director; specifications of the tests required shall be published, be available on request and, when changed, shall not be made effective until after reasonable notice has been given of the changed requirements.

Recording Instruments

18. (1) The following provision applies to recording instruments which include all meters in which the indications are recorded by a pen, pencil or stylus on a moving chart: the error of such meters under all conditions of supply shall not exceed $2\frac{1}{2}$ per cent of full scale reading over the whole marked range of the instrument.

(2) *Departmental Tests*—The details of the tests required to ensure that the provision of subsection (1) is satisfactorily complied with shall be determined from time to time by the Director; specifications of the tests required shall be published, be available on request and, when changed, shall not be made effective until after reasonable notice has been given of the changed requirements.

Unsealed Meters

19. (1) The following provisions apply to meters which have been approved for use unsealed:

- (a) Every unsealed meter shall be installed with a sealed watthour meter measuring the same load;
- (b) The owner of every such unsealed meter shall affix or have affixed, in a conspicuous place on the meter, a label supplied by the Director bearing the following inscription:
 “This meter is approved by the Director of Standards for use unsealed. In case of a dispute, communicate with the District Inspector of Electricity and Gas at”,
 and shall be completed by indicating the place at which such inspector has his office;
- (c) With every meter approved for use unsealed, the Director shall give a ruling as to the test schedule to be followed with the meter;
- (d) Where the owner of a meter approved for use unsealed desires to make more frequent checks and adjustments than are required by law, he shall use for that purpose instruments of a type approved by the Director; these instruments shall be verified by an inspector and, when verified, shall be sealed by him and the seal shall be valid for a period of not more than six months;
- (e) Such re-verification shall not be required if the owner provides reference standards satisfactory to the Director, which standards shall be subject to verification by the Director at his discretion and shall be used for the verification of the owner’s working standards;

Electricity Inspection Act—continued

- (f) A complete record of all checkings and adjustments of a contractor's unsealed meters shall be maintained by him and shall be accessible to the inspector, together with any corrections made to meter multipliers as the result of such checkings;
- (g) No adjustment or correction shall be made except in accordance with this section, and the Director or an inspector shall have the right to check any unsealed meters at any time without notice and, if the condition of the meter is not in accordance with the records, the inspector may, at the direction of the Director, confiscate it or give such instructions as he may deem practicable.

Instrument Transformers, Phase Shifters, Shunts

20. An error in any instrument transformer, phase shifter, shunt or other device that is included in the installation of a meter of any type shall form part of the total error of registration of the meter, and the meter shall not be sealed if such total error exceeds the maximum permissible error of registration specified in these regulations for that type of meter.

Procedure in Disputed Meter Tests

21. (1) In the case of a disputed meter test being requested under the provisions of sections 17, 18 or 19 of the Act, the complainant shall deposit the amount of the inspection fee with the inspector, who shall ascertain whether the meter shall be tested where it is installed or at the official testing-place; the inspector shall then, after due notice has been given to both parties, carry out the tests prescribed for the particular class of meter concerned.

(2) Where the meter fails to comply with all the prescribed tests the fee deposited shall be refunded and collected from the owner of the meter; where, however, it is found to meet satisfactorily the prescribed tests the complainant shall forfeit the fee unless the meter proves to be out-of-date as to the inspection period, in which case the owner shall pay the fee.

22. Both parties to the dispute may be represented during a disputed meter test, but they shall in no case interfere with the inspector as to the carrying out of the test.

23. The following requirements respecting the seal shall be observed:

- (a) The meter shall be tested with the seal intact;
- (b) Where the meter is found correct, the seal shall be left intact;
- (c) Where the error of the meter exceeds the limits prescribed for the particular class of meter concerned on any of the accuracy tests, the seal shall be broken by the inspector, unless the representative of either party present at the test gives to the inspector, at the conclusion of the test, a notice in writing expressing his dissatisfaction with the finding of the inspector and requesting him to refer the matter to the Director, in which case the seal shall be left intact pending the instructions of the Director; where such a notice is given, either party may make representations in writing to the Director who may dispose of the matter in the absence of any such representations that are not received by him within one week from the date of the test; and
- (d) In the case of a meter tested with transformers, where the overall error exceeds the limits prescribed in these regulations and it is determined that the excess error is due to the transformers or connections, the seal of the meter shall not be broken.

Electricity Inspection Act—concluded*Special Directions*

24. In any case in which full compliance with these regulations would, in the opinion of the Director, be impracticable or impose an unnecessary hardship or difficulty on any contractor, he may give such special directions as he deems proper to fulfil the general intent of these regulations.

PART III—STANDARDS OF MEASUREMENT

Units of Measure

25. The units of measure for the sale of electricity are as follows:

(a) Units of Quantity—

- (i) Electrical quantity—the amperehour,
- (ii) Electrical energy—the kilowatthour or horsepower-year,
- (iii) Reactive electrical energy—the kilovarhour;

(b) Units of Demand—

- (i) Power demand—the kilowatt or the horsepower,
- (ii) Reactive power demand—the kilovar,
- (iii) Volt-ampere demand—the kilovolt-ampere,

all as may be determined by the National Research Council.

Standards of Calibration

26. (1) All instruments and apparatus indicating volts, amperes, watts or other electrical quantities shall be calibrated in relation to the fundamental standards maintained by the National Research Council, and all inspectors shall take cognizance of the errors shown in such calibration.

(2) For inspection purposes there shall be maintained:

- (a) Secondary standards of electromotive force and resistance, maintained in the laboratory of the Director and compared at appropriate intervals with the primary standards maintained by the National Research Council;
- (b) Laboratory working standards, being appropriate indicating or integrating instruments, maintained in the laboratory of the Director and calibrated by reference to the secondary standards referred to in paragraph (a); and
- (c) Inspection standards for use by the inspectors in the field, such standards being calibrated periodically by reference to the laboratory working standards.

EMERGENCY GOLD MINING ASSISTANCE ACT.
(R.S.C., 1952, c. 95)

Emergency Gold Mining Assistance Regulations

P.C. 1954-863

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 10th day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Technical Surveys and pursuant to the powers conferred by the Emergency Gold Mining Assistance Act, is pleased to order as follows:

1. The Emergency Gold Mining Assistance Regulations, established by Order in Council P.C. 2664 of 11th June, 1948, as amended, are hereby revoked; and

2. The annexed "Emergency Gold Mining Assistance Regulations" are hereby made and established in substitution for the regulations hereby revoked.

EMERGENCY GOLD MINING ASSISTANCE REGULATIONS

1. These regulations may be cited as the *Emergency Gold Mining Assistance Regulations*.

2. In these regulations,

- (a) "Act" means the Emergency Gold Mining Assistance Act;
- (b) "application" means an application for assistance payments;
- (c) "assistance payments" means payments authorized under the Act;
- (d) "capital expenditures on exploration and development in the mine" include expenditures upon shafts, stations, underground crusher and pumping stations, main haulage ways, ore and waste passes, loading pockets, and on other development work designed for continuing use;
- (e) "Minister" means the Minister of Mines and Technical Surveys; and
- (f) "quarterly period" means a period of three months commencing with the month of January, April, July or October.

Applications

Annually or for quarterly advances

3. (1) An operator of a mine may

- (a) apply for assistance payments in respect of the gold produced and sold in accordance with the Act during the whole of a designated year at any time within six months after the end of the year or, where the Minister is satisfied that the application could not be made within that period, within such additional period as the Minister may fix; or

Emergency Gold Mining Assistance Act—continued

(b) within six months after the end of a quarterly period in a designated year, apply for a payment by way of advance on account of assistance payments, in respect of gold produced during the designated year and before the end of that quarterly period, and sold in accordance with the Act as soon as is practicable after the production thereof.

(2) No amount may be paid by way of advance on account of assistance payments in respect of gold produced during a designated year and before the end of a quarterly period in excess of eighty per cent of the amount that might be paid under the Act in respect of that gold less the amount of any payment made by way of advance previously made.

(3) It is a condition of the payment of any amount by way of advance on account of assistance payments in respect of gold produced during a designated year that if the person to whom the payment is made does not make application in respect of gold produced by him during the whole of that designated year within the time specified therefor in paragraph (a) of subsection (1), he is liable to Her Majesty to repay the whole amount of the payment so made, on the first day of July following the end of the designated year, or in a case where the Minister has fixed a further period for making application under paragraph (a) of subsection (1), on the day following the end of such further period.

Form of application

4. (1) An application shall be made in the form set out in Schedule I to the Director-General of Scientific Services, Department of Mines and Technical Surveys.

(2) Every application shall be accompanied by a schedule of costs of production of gold during the designated year or the period in respect to which the application is made, in the form and completed in the manner set out in Schedule II, which shall form part of the application.

(3) The first application made by any person in respect of a mine shall be accompanied by the declaration of ownership of the mine, of its operation during the base year and of other information, as set out in Schedule III, which shall form part of such application.

(4) An applicant shall furnish such additional material and information in support of his application as the Minister may require and any information so furnished forms part of the application.

(5) Where an application or other form is completed on behalf of a corporation, the form shall be signed by the president or general manager and by the secretary or treasurer or secretary-treasurer of the corporation.

Records to support application

5. (1) Every person who makes an application shall keep records and books of account in his place of business in Canada in such form and containing such information as will enable him to furnish the information required in his application.

(2) It is a condition of the making of assistance payments to any person that he has kept the books and records required by subsection (1) and all accounts or vouchers necessary to verify the information in any such book or record until written permission for their disposal has been obtained from the Minister.

Emergency Gold Mining Assistance Act—continued*Applicant to be lawfully entitled to mine gold*

6. No assistance payment shall be made to any person in respect of gold unless the ore or material from which the gold was produced was mined on a mining claim or mining property upon which that person was entitled to mine gold under the laws of the province or territory in which the claim is situated.

Works that are or are not gold mines

7. (1) For the purposes of the Act and these regulations, where a person operates a work or undertaking in which ore containing gold is mined and sells the ore without separating the gold from it for a price computed on the basis of the value of the gold and other minerals contained in the ore less fair and reasonable amounts in respect of the separation therefrom of the gold and other minerals, or other services in relation thereto, if the value of the gold is seventy per cent or more of the total value of the ore,

(a) the work or undertaking shall be deemed to be a gold mine, and

(b) where the gold is separated therefrom in Canada, the gold shall be deemed to have been produced and sold to Her Majesty at the Royal Canadian Mint on the day upon which it was shipped in accordance with the sale, if the gold separated therefrom has been so sold, or an equivalent amount of gold in respect of which the Act does not otherwise apply has been so sold, by the person who separates it from the ore as soon as practicable after the day of shipment, or

(c) where the ore is exported from Canada in accordance with the sale thereof before the gold is separated therefrom, the gold contained in the ore shall be deemed to have been produced, exported from Canada and sold on the day upon which the ore was shipped if the gold has been finally paid for as soon as practicable after that date.

(2) In computing the cost of production of gold contained in ore sold by a person as provided in subsection (1), the amounts deducted from the value of the gold in computing the price of the ore shall for the purpose of the Act be deemed to be a cost of production of the gold incurred by that person.

8. (1) No work or undertaking for the production of gold is deemed to be a gold mine for the purpose of the Act until it has commenced its first year of production as defined in the Act, and unless an amount of more than fifty troy ounces of fine gold is produced therefrom during the designated year.

(2) No work or undertaking for the production of gold is deemed to be a gold mine for the purpose of the Act if in the opinion of the Minister the operator thereof has failed to develop ore reserves of commercial significance or to make reasonable progress in reducing the cost of production of gold therefrom to a reasonable commercial level, or if the Minister is of the opinion that there is no reasonable possibility of attaining production of gold from the mine on a commercial basis within a reasonable time.

Emergency Gold Mining Assistance Act—continued*Calculation of costs of production where other mineral produced*

9. Where the operator of a gold mine produces therefrom a mineral other than gold, the cost of production attributable to gold produced and sold during a designated year is the amount obtained by deducting from the total cost of production of that gold and such other mineral produced during that year, the amounts received directly or indirectly by the operator from the sale of such other mineral during the designated year or as soon thereafter as is practicable, or if the other mineral is not so sold, the market value thereof.

Depreciation

10. (1) Subject to subsection (2), the amount that may be included in the cost of production of gold from a mine in respect of depreciation of the mining and processing plant and other depreciable assets used in such production, in respect of the designated year 1948, shall be computed by applying the same normal rate of percentage per annum to the value of depreciable assets as is employed for that purpose in determining income from the mine during that year for the purposes of the Income War Tax Act, but not in any case exceeding fifteen per cent per annum, and in respect of any subsequent designated year, shall be computed by applying that rate to the value of depreciable assets determined in the same manner as the value of depreciable assets of that mine were or would have been determined in respect of the taxation year 1948 for the purposes of the Income War Tax Act.

(2) Where the income from a mine is exempt from tax under paragraph (x) of section four of the Income War Tax Act or under section 83 (5) of the Income Tax Act, by reason of its being within the first three years of production, and the operator of the mine has elected thereunder to defer wholly or in part normal charges in respect of depreciation until after the end of the period of exemption, the amount that may be included in the cost of production of gold from the mine in respect of depreciation for any period that is within the period of exemption shall be such reasonable rate of percentage of the value of its depreciable assets as is determined by the Minister, but not in any case exceeding fifteen per cent per annum.

Pre-production expense

11. (1) Subject to subsection (2), the amount that may be included in the cost of production of gold from a mine for any period in respect of amortization of pre-production expenses shall be determined on the same basis as is employed for the computation of deductions in respect thereof in computing income from the mine during the taxation year 1948 for the purposes of the Income War Tax Act but not in any case exceeding fifteen per cent per annum of those expenses.

(2) Where the income from a mine is exempt from tax under paragraph (x) of section four of the Income War Tax Act or under section 83 (5) of the Income Tax Act, and the operator of the mine has elected thereunder to defer wholly or in part the normal charges in respect of amortization of pre-production expenses until after the end of the period of exemption, the amount that may be included in the cost of production of gold in respect of amortization of pre-production expenses for any period within the period of exemption shall be such reasonable rate of percentage of the amount of pre-production expenses as is determined by the Minister, but not in any case exceeding fifteen per cent per annum.

Emergency Gold Mining Assistance Act—continued*Deferred development expense prior to January 1, 1948*

12. The amount that may be included in the cost of production of gold from the mine for any period in respect of amortization of capital expenditures upon development in the mine made after commencement of production and before January 1, 1948, shall be determined on the same basis as is employed for the computation of deductions in respect thereof in computing income from the mine during that period for the purpose of the Income War Tax Act but not exceeding fifteen per cent per annum of the expenditures.

Explorations and development expense

13. (1) Subject to this section, there may be attributed to the cost of production of gold from a mine for a designated year amounts expended in respect of exploration and development in the mine during that year in accordance with sound mining and mine-accounting practice.

(2) Subject to subsections (3) and (4) there may be included in the cost of production of gold from a mine during a designated year,

(a) in respect of the amortization of capital expenditures on exploration and development in the mine after it commenced production and on and after January 1, 1948, an amount equal to fifteen per cent thereof, except where in the opinion of the Minister any part of such capital expenditures were made on works that are of such limited continuing use that amortization thereof at a rate of fifteen per cent is unreasonable, in which case the amount that may be included is an amount equal to such percentage of such part of the expenditures, as is deemed by the Minister to be fair and reasonable, and

(b) in respect of expenditures, other than capital expenditures, made on exploration and development in the mine during the designated year, the amount actually expended thereon in accordance with sound mining and mine-accounting practice.

(3) Where at the beginning of a designated year a mine had proven ore reserves less than three times the amount of ore milled or shipped from the mine during the year immediately preceding the designated year, if the proven ore reserves at the end of the designated year exceed that amount or an amount equal to three times the amount of the ore milled or shipped during the designated year, whichever is greater, only an amount that bears the same ratio to the total of the amounts mentioned in subsection (2) that

(a) the sum of the ore milled or shipped during the year and the said greater amount minus the proven ore reserves at the beginning of the year

bears to

(b) the ore developed during the year,
may be included in the cost of production of gold from the mine during that designated year in respect of the expenditures mentioned in subsection (2).

(4) Where at the beginning of a designated year a mine had proven ore reserves equal to or greater than three times the amount of the ore milled or shipped from the mine during the year immediately preceding the designated year, if the proven ore reserves at the end of the year exceed an amount that bears the same ratio to the amount of ore milled or shipped during the designated year as the proven ore reserves at the beginning of

Emergency Gold Mining Assistance Act—continued

the year bore to the amount of the ore milled or shipped during the immediately preceding year, only an amount that bears the same ratio to the amount mentioned in paragraph (b) of subsection (2) that the amount of ore reserves required to be developed during the year to maintain the same ratio of ore reserves to ore milled or shipped aforesaid bears to the amount of ore developed during the year, may be included in the cost of production of gold from the mine during the designated year in respect of expenditures mentioned in paragraph (b) of subsection (2).

(5) Notwithstanding subsection (4), the amount of exploration and development costs that may be included in the cost of production of gold from the mine during the designated year in respect of expenditures mentioned in paragraph (b) of subsection (2) shall not be less than

- (a) the amount mentioned in paragraph (b) of subsection (2), or
- (b) the amount that bears the same ratio to the amount mentioned in paragraph (b) of subsection (2) that
 - (i) the amount of ore milled or shipped in the designated year bears to
 - (ii) the amount of ore developed during the designated year,

whichever is the lesser.

(6) Where the normal operation of a mine was suspended for at least thirty consecutive days in any of the years mentioned in subsection (3) or (4) the amount of ore milled or shipped during that year shall be deemed for the purposes of those subsections to be the amount computed by dividing the number of tons of ore milled or shipped during the part of the year that the mine was in operation by the number of days during that part of the year and multiplying by the number of days during which the mine would normally be in operation in the year.

(7) Notwithstanding subsection (2), (3), (4) or (5), if the Minister is satisfied that an amount that may be included thereunder as a cost of production of gold from a mine in respect of expenditures made upon exploration and development in a designated year is excessive having regard to sound mining and mine accounting practice or is substantially higher, in comparison with the other costs of production of the mine, than the corresponding costs under normal conditions of the operation of the mine before January 1, 1948, he shall determine the amount which in his opinion may fairly and reasonably be so included.

Gold produced from concentrates

14. (1) Where the operator of a gold mine has,

- (a) during the base year or a designated year, produced gold in bullion from concentrates that were produced from that mine during the period of twelve months immediately preceding that year, that gold is deemed to have been produced in that period of twelve months during which the concentrates were produced;
- (b) during the base year or a designated year, produced gold in bullion from concentrates that were produced from that mine during a period prior to the period mentioned in paragraph (a), that gold is deemed to have been produced in that year;
- (c) during the base year, produced gold in bullion from concentrates that were produced from that mine prior to a prolonged cessation of operations of the mine beginning in any of the years 1942 to

Emergency Gold Mining Assistance Act—continued

1944, both inclusive, by reason of circumstances beyond the control of the operator of the mine, that gold is deemed to have been produced prior to the cessation of operations and shall not be included in the amount of gold produced from the mine during the base year;

- (d) during the base year or a designated year, produced from that mine concentrates from which gold in bullion is produced during the period of twelve months immediately following that year, that gold is deemed to have been produced in that year; or
- (e) during the base year or a designated year, produced from that mine concentrates from which gold in bullion is produced during a period subsequent to the period mentioned in paragraph (d), that gold is deemed to have been produced during that subsequent period.

(2) Subject to subsection (4), where it is not possible to determine the period of production of concentrates that have been withdrawn from a stockpile in which have been intermingled concentrates produced during more than one period, a part of the concentrates so withdrawn shall, subject to subsection (3), be deemed to have been produced in each period during which concentrates have been placed in the stockpile.

(3) In applying subsection (2), the ratio of such part of the concentrates withdrawn as is deemed to have been produced in any period, to the total of the concentrates withdrawn in the same operation, shall equal the ratio of the amount of the concentrates produced in that period remaining or deemed to be remaining in the stockpile immediately prior to the withdrawal, to the total amount of concentrates then remaining in the stockpile.

(4) Where the Minister is of opinion that, having regard to all the circumstances, it is not fair and reasonable to apply subsection (2), the Minister shall determine the period of production of the concentrates in the stockpile in such manner as he considers reasonable.

(5) Where concentrates produced from a mine are sold by the operator of the mine for export from Canada before the production in bullion of their contained gold, on the basis of the value of the contained gold and other minerals less fair and reasonable amounts in respect of the separation of contained gold and other minerals and in respect of other services in relation thereto, the contained gold shall be deemed to have been separated from the concentrates, produced in bullion, exported from Canada, and sold on the day on which the concentrates were shipped from the mine for export and sale, if the gold has been fully paid for as soon as practicable after that day.

(6) Where gold in bullion produced in any year from concentrates produced from the mine during an earlier period is deemed in accordance with this section to have been produced during that earlier period the costs incurred in that year in the separation from those concentrates of the contained gold and in the refining, transportation and marketing of that gold in bullion shall be included in the costs of production in that earlier period, and shall not be included in the costs of production in that year.

(7) In this section, "concentrates" means any material produced during the processing or treatment of ore or placer mineral containing gold for the separation therefrom of its contained gold if that material contains a substantial concentration of the gold contained in that ore or placer mineral.

Emergency Gold Mining Assistance Act—continued

Suspension of operation during base year

15. (1) Where the normal operation of a mine was suspended for a period of at least thirty consecutive days in the base year, the number of ounces of gold produced during the base year shall be deemed to be the number of ounces obtained by dividing the number of ounces of gold produced in the part of the base year during which the mine was in operation by the number of days in that part of the base year and multiplying the quotient by the number of days during which the mine would normally be in operation during the year.

(2) Where the production from a mine was reduced to the extent of at least fifty per cent of its general level of production for a period of at least thirty consecutive days in the base year, operation will be deemed to have been suspended for that period.

(3) Where, on the resumption of normal operations after a period of suspension in the base year, the general level of production is substantially lower or higher than before the suspension, the production of gold during the period shall be deemed to have been that which would have been produced if the general level of production prior to the suspension had continued during the period of suspension.

Suspension of operation during designated year

16. (1) Where the normal operation of a mine was suspended during a period of at least thirty consecutive days in a designated year by reason of fire, explosion, flooding or cave-in of the mine or fire or a major breakdown in the processing plant or equipment or of a strike, assistance payments may be made for the gold actually produced during the year in such amount as would have been payable in respect of that gold if the operation of the mine had not been suspended and the amounts so payable shall be computed in accordance with section 17 or 18, as the case may be.

(2) For the purposes of computing the rate of assistance payable in respect of gold produced from a mine the operation of which was suspended during a designated year in accordance with subsection (1), the average cost of production per ounce of gold shall be computed by dividing the number of ounces of gold produced during the part of the designated year when operation of the mine was not suspended into the total of

- (a) the operating costs of the mine for that part of the designated year, and
- (b) that portion of the other costs of production of gold from the mine during the year obtained by dividing the amount of such other costs of production by the number of days in the designated year during which the mine would normally be in operation and multiplying the quotient by the number of days during which operation of the mine was not suspended.

17. (1) This section applies in respect of assistance payments for a mine the operation of which was suspended in accordance with section 16 during a designated year that does not include any part of the first year of production.

(2) The amount of assistance payments payable under this section for gold produced and sold during the designated year shall be an amount equal to the product of

Emergency Gold Mining Assistance Act—continued

(a) the amount that might have been paid in respect of each ounce of gold that would have been produced if there had been no suspension of operation of the mine computed as provided in subsection (3),

multiplied by

(b) the total number of ounces actually produced during that designated year.

(3) For the purpose of computing the amount that might have been paid by way of assistance payments in respect of each ounce of gold that would have been produced and sold if there had been no suspension of the operation of the mine,

(a) the rate of assistance shall be computed as provided in subsection (2) of section 16;

(b) the number of ounces that would have been produced and sold if there had been no suspension shall be computed by dividing the number of ounces actually produced and sold by the number of days in the part of the designated year during which the mine was in operation and multiplying the quotient by the number of days in the designated year during which the mine would normally be in operation; and

(c) the total amount of assistance payments that might have been paid, computed having regard to the rate of assistance mentioned in paragraph (a) and the number of ounces mentioned in paragraph (b), shall be divided by the number of ounces mentioned in paragraph (b).

18. (1) This section applies in respect of assistance payments for a mine the operation of which was suspended in accordance with section 16 during a designated year that includes part or all of the first year of production.

(2) If the period of suspension occurred wholly within the part of the designated year that is also part of the first year of production, the amount of assistance payments payable under this section shall be computed as provided in subsection (3) of section 3 of the Act and for that purpose the rate of assistance shall be computed as provided in subsection (2) of section 16.

(3) If the period of suspension occurred wholly or partly within the part of the designated year that is not part of the first year of production the amount of assistance payments payable under this section shall be the total of the following amounts;

(a) an amount equal to the product of

(i) the rate of assistance computed as provided in subsection (2) of section 16,

multiplied by

(ii) the number of ounces of gold produced during the part of the designated year that is part of the first year of production, and

(b) an amount equal to the product of

(i) the amount that might have been paid in respect of each ounce of gold produced during the remaining part of the year if there had been no suspension of operation of the mine, computed as provided in subsection (4),

Emergency Gold Mining Assistance Act—concluded

multiplied by

- (ii) the number of ounces of gold actually produced during that part of the year.

(4) For the purpose of computing the amount that might have been paid in respect of each ounce of gold produced in the part of the designated year that is not part of the first year of production if there had been no suspension of operation of the mine,

- (a) the rate of assistance shall be computed as provided in subsection (2) of section 16,
- (b) the number of ounces of gold that would have been produced during that part of the year if there had been no suspension shall be computed by dividing the number of ounces actually produced in that part of the year by the number of days in that part of the year during which the mine was in operation and multiplying the quotient by the total number of days in that part of the year during which the mine would normally be in operation, and
- (c) the total amount of assistance payments that might have been paid in respect of the gold produced during that part of the year computed having regard to the rate of assistance mentioned in paragraph (a) and the number of ounces mentioned in paragraph (b) shall be divided by the number of ounces mentioned in paragraph (b).

19. (1) In order to arrive at the fraction specified in subsection (5) of section 3 of the Act, after the number of ounces of gold sold and deemed to have been sold by the operator of a mine in the designated year 1950 have been determined in accordance with these regulations, for the purpose of determining the number of ounces sold during the first nine months of the said designated year and the number of ounces sold after the first nine months of the said designated year,

- (a) any gold that was sold or is deemed to have been sold in the designated year 1950 for which the operator of the mine received payment at a rate that, in the opinion of the Minister is substantially the equivalent of the rate paid by Her Majesty for gold delivered to the Royal Canadian Mint on January 1, 1950, is deemed to have been sold on a day in 1950 prior to October 1, and
- (b) any gold that was sold or is deemed to have been sold in the designated year 1950 for which the operator of the mine received payment at a rate that, in the opinion of the Minister, is substantially the equivalent of the rate paid by Her Majesty for gold delivered to the Royal Canadian Mint on a day in 1950 after September 30, is deemed to have been sold on a day in 1950 after September 30.

(2) For the purpose of this section, where the operator of a mine received payment in more than one instalment for a shipment of gold, ore or concentrates, each instalment shall be considered as full payment *pro tanto* for an appropriate part of the shipment.

FORMS

Copies of the forms contained in Schedules I to III may be obtained on application to the Director General of Scientific Services, Department of Mines and Technical Surveys, Ottawa.

EXCHEQUER COURT ACT. (R.S.C., 1952, c. 98)

Section 87 of the *Exchequer Court Act* authorizes the Judges of the Court from time to time to make general rules and orders for regulating the practice and procedure of and in the Exchequer Court; for the effectual execution and working of the Act, etc. Under this authority General Rules and Orders were made on 21st April, 1931, which have subsequently been amended from time to time. A consolidation of the General Rules and Orders of the Exchequer Court may be obtained from the Queen's Printer, Ottawa. Price, \$1.00.

EXCISE ACT. (R.S.C., 1952, c. 99)

	Page
1. <i>Validation fee on spirits removed for export in bond, abolished</i>	1060
2. <i>Methyl alcohol, regulations governing the sale</i>	1061
3. <i>Distilleries and their products, regulations governing</i>	1062
4. <i>Brewery regulations</i>	1090
5. <i>Warehousing regulations</i>	1102
6. <i>Ships' stores regulations</i>	1110
7. <i>Manufacturers in bond, regulations governing</i>	1110
8. <i>Chemical stills regulations</i>	1137
9. <i>Tobacco and cigars, regulations governing the manufacture</i>	1147
10. <i>Tobacco packers and Canadian raw leaf tobacco, regulations governing</i>	1165
11. <i>Alcohol to licensed druggists, regulations governing the supply</i>	1174
12. <i>Specially denatured and denatured alcohol, regulations</i>	1177

1. Validation fee on spirits removed for export in bond abolished

P.C. 4453

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 5th day of November, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS it is desirable to remove obstacles which impede the sale of Canadian products in export markets;

AND WHEREAS the Government of Canada is a contracting party to the General Agreement on Tariffs and Trade;

AND WHEREAS the contracting parties to the General Agreement on Tariffs and Trade have agreed to reduce and to eliminate where possible any fees and charges, other than duties, imposed by governmental authorities on or in connection with exportation.

Excise Act—continued

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Revenue with the concurrence of the Minister of Finance and pursuant to the provisions of section 161 of the Excise Act, 1934, is pleased, hereby, to abolish, effective November 15, 1952, the validation fee of twenty cents for every gallon of spirits of the strength of proof removed for export in bond.

2. Regulations governing the sale of Methyl Alcohol

P.C. 1954-774

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of May, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the provisions of the Excise Act, is pleased to order as follows:

1. The Regulations respecting the Labelling and Sale of Methyl Alcohol, established by Order in Council P.C. 1262 of 6th April 1948, are hereby revoked; and

2. The annexed "Regulations governing the sale of Methyl Alcohol" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE SALE OF METHYL ALCOHOL

1. Wood alcohol, methyl alcohol or methyl hydrate, whether highly refined or not, may not be packaged or sold under any designation other than that of "Methyl Hydrate".

2. Packages containing Methyl Hydrate shall be labelled "METHYL HYDRATE—POISON" as required by sections 254 and 260 of the Excise Act and, in addition, shall bear the red poison label with the poison symbol (skull and cross bones) prominently displayed in characters not smaller than those prescribed by the Excise Act for the words "METHYL HYDRATE—POISON".

3. Persons purchasing methyl hydrate from retail druggists licensed to carry on business as such under the laws of any of the provinces of Canada shall be required to sign the register of poisons for each individual purchase and such record shall remain open for inspection by Customs-Excise officers and members of the Royal Canadian Mounted Police.

4. Wood alcohol, methyl alcohol or methyl hydrate may not be packaged or sold under the trade name "COLUMBIAN SPIRITS" or under any other designation in which the words "spirits" or "alcohol" are used.

5. Preparations labelled "Anti-Freeze" containing any proportion of methyl alcohol which has been denatured by the addition of not less

Excise Act—continued

than four per cent, by volume, of kerosene or other departmentally approved denaturant, shall be labelled in accordance with requirements of section 2, but shall not be subject to the provisions of section 3.

6. The various grades of denatured alcohol and specially denatured alcohol, the manufacture and sale of which is authorized by excise regulation, shall continue to be labelled as heretofore in accordance with the provisions of sections 254 and 260 of the Excise Act and regulations made thereunder, but shall be exempt from these regulations.

7. Any person violating any of the provisions of these regulations is guilty of an indictable offence and liable to the penalties provided by the Excise Act.

3. Regulations governing distilleries and their products

P.C. 1954-944

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 24th day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to section 125 of the Excise Act, is pleased to order as follows:

1. The Consolidated Regulations governing Distilleries and their Products, established by Order in Council P.C. 4397 of 31st August, 1949, as amended, are hereby revoked; and

2. The annexed "Regulations governing Distilleries and their Products" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING DISTILLERIES AND THEIR PRODUCT.*Applications for Licence*

1. Applications for licence shall be made to the Collector of Customs and Excise on Form L.1, in triplicate, and shall be accompanied by:

- (a) Complete plans and specifications in triplicate;
- (b) Form E.110 in triplicate;
- (c) Form E.111 in triplicate;
- (d) Form E.114 in duplicate.

2. Applications for transfer of licence from one premises to another, within the same port, shall be similarly dealt with except that application Form L.10, in triplicate, shall be used.

3. In making application for renewal of licence, where no changes have been made in the licensed premises, Form L.16, in triplicate, is required.

4. When any changes have been made in the licensed premises, replacing or supplementary plans, in triplicate, accompanied by Form E.146, also in triplicate, shall be submitted when the changes have been completed.

Excise Act—continued

5. All new, replacing or supplementary plans shall clearly show a distinctive colour tracing designating all pipe lines conveying spirits, specially denatured alcohol or denatured alcohol and vessels conveying or containing the same; such pipe lines and vessels used for spirits shall be clearly traced in a vivid RED colour, while specially denatured alcohol and denatured alcohol will similarly be outlined in a bright YELLOW colour.

6. Plans and specifications shall bear the same date as all the accompanying forms and shall be signed by the applicant or his duly authorized agent.

7. The Collector shall forward all applications to the district inspector for examination and approval, and the district inspector shall upon approval, transmit them to the Department for authorization.

8. The Collector shall not issue a licence until authorization has been received, the requisite bond, in the form prescribed by the Department, deposited with him and the licence fee paid.

9. The licence may be issued and the fee accounted for in the Excise Duty Cash Book on or before the 1st of April; after endorsing the application papers, the Collector shall forward one set to the Department, deliver one set to the applicant, and file one in his office; the set returned to the applicant shall be the one to which Form E.114 is not attached.

General

10. General Warehousing Regulations, Circular 327-C, as revised, shall govern the procedure in respect to warehousing and ex-warehousing of exciseable goods in a licensed distillery.

11. "Inspector" in these regulations means the Director of Excise Duty or Assistant Director of Excise Duty, and includes any District Inspector of Excise Duty.

Notices

12. All notices of operations shall be entered in Notice Book, T.234, or on notice sheets supplied by the distiller and approved by the inspector; all notice sheets shall be retained for inspection.

13. Notices of mashing shall be entered not later than the hour of five p.m. of the day preceding that upon which the operation is to commence.

14. Notices of intention to distil fermented beer shall be entered not later than the hour of five p.m. of the day preceding that upon which any beer is to be withdrawn from the fermenting tun in which it is contained.

15. Notices may for cause and with the knowledge and consent of the officer in charge be amended.

16. Notices shall be given by the distiller.

Raw Materials and Mashing

17. The weight and quantity of all raw materials brought into a distillery and disposed of, otherwise than for mashing, shall be ascertained by the distiller, and facilities for determining the quantity shall be provided by him; these quantities shall be entered in Stock Book No. 1, T.222A.

Excise Act—continued

18. All raw materials used for mashing shall be weighed under the supervision of an Excise Officer and the quantity taken for mashing shall be credited in Stock Book No. 1, and debited in the Record of Mashers.

19. When imported molasses is received in bond at a distillery, a certificate, Form E.143, covering the quantity received shall be given by the officer in charge to the Collector; until this certificate is received, the bond under which the transfer from Customs to Excise has been made may not be cancelled.

20. Annual stock-taking of grain, molasses or other raw materials, shall be carried on under the supervision of the officer in charge, and shall, as far as possible, be by weight; for this purpose it is advisable that the work be begun in ample time to be completed on the 31st day of March in each year.

21. Debit for surpluses and credit for deficiencies in grain and other raw materials found at stock-taking shall be accounted for by the distiller in Stock Book No. 1 at the close of the fiscal year or at the close of operations, quoting these regulations as the authority.

22. The officer in charge, each morning upon arrival at the distillery, shall check the mashers in process of fermentation with the notices given and the Record of Mashers, T.208.

Closed Receiver Tests and Distillery Stock

23. The quantity of spirits manufactured in a distillery shall be determined by weighing, the distiller to supply suitable weighing appliances; such appliances shall be so constructed and situated as to meet the approval of the Department, and shall be used for closed receiver purposes only; closed receiver tests shall be taken by two officers, one of whom shall be the officer in charge, and in the presence of a representative of the distillers.

24. The strength and specific gravity of the spirits tested at the closed spirit receiver shall be determined at a temperature of 62 degrees F., and shall be ascertained by means of the book of tables for Sikes' hydrometer; the sample taken for this purpose shall be raised or lowered to 62 degrees F.; the sample so tested shall be drawn from the closed spirit receiver after the spirit contained therein has been thoroughly plunged.

25. All tests of spirits made throughout the distillery shall be made as described in section 24, except as provided for in sections 126 and 172.

26. All spirits in distillery stock, not in actual process of distilling, shall be kept under careful Excise supervision and under Crown lock, and all such spirits at the end of the fiscal year shall be available for determination of quantity in proof gallons; therefor spirits in distillery stock may not be held in kettles, stills, condensers, or other processing apparatus than gauged tanks, or carried in any operation of re-distillation whatsoever, on the 31st of March; a complete record of distillery stock shall be kept by the officer.

27. All spirits in distillery stock shall be warehoused on or before the close of the fiscal year when stock is taken by the officer; if a deficiency be found, an abatement not exceeding two per cent may be allowed, such abatement to be computed on the quantity of proof spirit found at the

Excise Act—continued

closed receiver, plus the quantity of proof spirit taken by authority of the Department for further processing by actual re-distillation during the year; for the purpose of carrying out the provisions of this section, distillery stock found at the close of the fiscal year may be warehoused by dip in lieu of weight, and all spirit so warehoused shall be exwarehoused for return to distillery stock within five days of the date of warehousing.

28. Where, on taking stock at any distillery at the close of operations for any fiscal year, it is ascertained that a surplus exists, the surplus so found shall be entered to the debit of Distillery Stock Book No. 2.

29. Where a deficiency is found to have arisen, credit shall be taken in Distillery Stock Book No. 2, and accounted for by entry, on Form B.52; such entry shall show the deficiency accounted for Free by Authority and the deficiency, if any, upon which duty is payable; credit shall be taken before the close of the fiscal year.

30. Where at any time the production in a distillery is less than the standard required by the Excise Act, the officer in charge shall show this information on the monthly return and also notify the Department by letter explaining the circumstances.

Treatment of Spirits After Duty Charge

31. All spirits produced in a distillery or brought into distillery stock shall be warehoused and the entries shall indicate whether they are

- (a) Molasses spirit,
- (b) Canadian brandy,
- (c) Wine spirit,
- (d) Gin, or
- (e) for other specified purposes,

and a notation shall be made in the Officer's Maturing Warehouse Ledger designating the classification and those spirits that are not entitled to abatement for shrinkage by evaporation.

32. The quantity, when entered for warehouse, shall be determined by weighing with suitable appliances supplied by the distiller and approved by the Department.

33. Spirits testing not less than fifty percent over proof if sold and delivered in such limited quantities as the Minister may prescribe for the use of any hospital, university, educational institution, or person engaged in scientific research or industrial enterprise; or to a licensed druggist as defined by the Excise Act, shall be warehoused in Maturing Warehouse; all packages containing such spirits shall have the word "Unmatured" on both ends of the package in letters not less than one inch in height and in a colour different from that used in the other marks on the package.

34. The entries for such spirits shall have written across the face thereof the word "Unmatured"; entries for licensed druggist shall also bear the words "Licensed Druggist"; when ex-warehoused for duty, such unmatured spirits shall be debited in the Duty-Paid Warehouse Ledger, and credited when shipped.

Excise Act—continued

35. When alcohol is shipped by distillers to the organizations and persons specified in section 33 and which are located in a port other than that in which the distillery is situated, it shall be consigned on a bill of lading made to the order of the Collector at destination, the bill of lading to be delivered by the distillers to the Collector of the port of shipment for transmission, by mail, to the Collector of the receiving port.

36. The licensee (distillery or Excise bonding warehouse) shall prepare and forward to the Department on the first day of each month a return, on Form K.75, covering all shipments of spirits to licensed druggists; this return shall include the following detail; name and address of licensed druggist; registered number of his licence; date of each shipment; quantity (in standard gallons); strength, and the number of proof gallons.

37. No bulk spirits may be ex-warehoused for consumption at a distillery except from Maturing Warehouse.

38. Not less than five standard gallons of spirits shall be warehoused or ex-warehoused by one entry, except

(a) for export, or

(b) for ships' stores,

and spirits shall be warehoused or ex-warehoused in complete packages only.

39. Spirits may be shipped in bond in railway tank cars; in tank trucks, the property of the licensee; or in tank trucks, the property of persons or firms acceptable to the Department who have deposited the bond of a guarantee company, approved of by the Minister, in an amount of not less than ten thousand dollars.

40. Spirits, when so shipped, shall be secured by Crown lock or Crown seal, both at the outlet and inlet of the tank, and shall be distinctly marked to the satisfaction of the officer in charge of the distillery as follows:

(a) the bond and package number;

(b) the month and year of the original warehouse, and

(c) the net weight, in pounds.

Fusel oil

41. Fusel oil, for the purposes of these regulations, is an oil or refuse containing not more than 25 per cent of proof spirits; if the fusel oil contains more than 25 per cent of proof spirits, its removal as fusel oil shall not be permitted and it shall be treated as spirits.

42. Where fusel oil is produced in distilleries during the combined primary distillation and rectifying process and does not appear as a charge against the production, it shall, when it is emptied from the fusel oil receivers, be weighed, tested and entered in the Record of Closed Receiver Tests, T.249.

43. Credits may not be taken for fusel oil or other deleterious materials extracted from spirits unless the following requirements have been complied with:

(a) The vessel or vessels for fusel oil receivers shall be provided by the distiller, of such form and capacity as the Department may require and direct, into which the materials shall be conducted

Excise Act—continued

and in which they shall remain until released; these receivers shall comply in all other respects with the conditions that apply to closed spirit receivers.

- (b) The fusel oil receivers shall be opened by the officer in charge in the presence of an assistant; the water and deleterious ingredients may be drawn off and destroyed in the presence of these officers; the fusel oil must be well mixed and the quantity in proof gallons shall be determined by test with Sikes' hydrometer.
- (c) The fusel oil shall be placed immediately in a Crown locked compartment and the quantity, in proof gallons, shall be entered in the Record of Mash, T.208, and shown in the monthly return; the officer in charge shall certify that he has determined the quantity by placing his signature in the Record of Mash.
- (d) A representative sample shall then be taken and forwarded to the Department for analysis; it should be addressed to the Chief, Customs-Excise Chemical Laboratory, Ottawa, and a covering letter forwarded to the Department.
- (e) When Departmental approval of the analysed sample has been received, the distiller may take credit in Distillery Stock Book No. 2 for the quantity, in proof gallons, of fusel oil as ascertained by the officers and as shown in the records, quoting this section as authority.
- (f) After credit has been taken, the fusel oil may be released for removal from the licensed premises and may be disposed of by the distiller without further restriction.
- (g) A record shall be kept by the officer in charge, in Book T.259, as indicated therein.
- (h) Barrels containing fusel oil shall bear the following markings:
On one end of the barrel, the name and address of the licensee and the words "FUSEL OIL" in letters not less than two inches in height, and
On the other end of the barrel,
 - (i) the sample number;
 - (ii) the gross, tare and net, in pounds;
 - (iii) the number of gallons; and
 - (iv) the package number.

44. Unmatured spirits may be removed from a distillery IN BOND to the following parties exclusively:

- (a) another licensed distiller;
- (b) a licensed manufacturer in bond;
- (c) a bonding warehouse licensed to receive same; and
- (d) the Department of National Revenue.

45. All packages containing such spirits shall have the word "unmatured" printed on both ends of the package in letters not less than two inches in height and three-quarters of an inch wide, and in a colour different from that used in the other marks on the package.

46. Unmatured spirits ex-warehoused for duty in a bonded factory may, upon the permission of the inspector or the department, be returned to the distillery from which obtained, and an equivalent number of proof gallons may be shipped by the distiller to the licensed bonded manufacturer, provided that the following conditions are fully complied with:

- (a) Before being removed from the bonded factory, the spirits shall be weighed and tested by an Excise officer;

Excise Act—continued

- (b) A bond for a sum equal to twice the rate of duty per proof gallon at which the spirits were originally warehoused shall be given by the shipper;
- (c) The Collector at the shipping port shall notify the Collector at the port in which the distillery is situated as to the number of proof gallons contained in the shipment and that the spirits are for exchange;
- (d) The spirits on arrival at the distillery shall be re-weighed and tested and if the deficiency is one-half of one per cent or greater, the Collector of the shipping port shall be notified, and duty at the rate of the difference between the rate already paid and the rate per proof gallon at which the spirits were originally warehoused shall be collected from the bonded manufacturer;
- (e) The substituted spirits being returned from the distillery to the bonded factory shall be similarly dealt with, the distiller being liable for any deficiency if in excess as stated in paragraph (d);
- (f) The bill of lading shall, in each case, be made to the order of the Collector of Customs and Excise of the receiving port;
- (g) Distillery Stock Book No. 2 shall be charged with the quantity received and credited with the equivalent quantity shipped, quoting these regulations as authority for the transaction;
- (h) No other entries are required.

47. No duty-paid unmatured spirits, except as provided for in section 46, shall be received into stock at any licensed distillery without the consent of the Department having first been obtained in writing.

Manufacture of Absolute or Anhydrous Alcohol

48. If anhydrous alcohol is manufactured in other than process stock, the quantity taken for dehydration shall be entered For Warehouse.

49. When manufactured in warehouse, a memo credit entry For Dehydration by Re-distillation shall be passed, on Form B.74, for the quantity so taken and shall be designated by a local number only; no copy of this entry need to be sent to the Department.

50. A corresponding credit book entry will be made by the officer in T.232B, in red ink, with the information Taken for Dehydration.

51. A local memo debit entry, on Form B.74, For Re-Warehouse on Account of Dehydration shall be passed and debited, in red ink, accordingly, in T.232B, for the quantity found after re-distillation.

52. On the first day of the month next succeeding that on which the manufacture of absolute alcohol has been completed, the distiller may make application, on Form N.21, in triplicate, for authority to pass a free entry for the quantity, in proof gallons, of deficiency which arose in the production of dehydrated alcohol.

53. The application shall contain the joint certificate of the officer in charge and his assistant, showing:—date; quantity of alcohol taken for dehydration (in standard gallons); strength; proof gallons; the quantity of dehydrated alcohol produced and the deficiency; together with the percentage of the deficiency arising on such quantity taken for dehydration.

54. The Form N.21 shall be forwarded, through the collector, to the Department and when the Department authorizes the deficiency to be

Excise Act—continued

written off, a free entry Deficiency on Dehydration will be passed, after which credit may be taken in the respective books; this shall be a departmental entry, on Form B.74.

Denatured and Specially Denatured Alcohol

55. Denatured Alcohol and Specially Denatured Alcohol Regulations, Circular No. 488-C, as revised, and supplements thereto, describe the various grades of specially denatured alcohol and denatured alcohol, the manufacture and sale of which, by licensed distillers, has been approved; these regulations govern the composition of each of the grades and limit their uses, the grades referred to as "SDAG No. 1" represent specially denatured alcohol, the sale of which is restricted to persons or firms holding Departmental permits, while those referred to as "DAG No. 2" represent denatured alcohol, which may be sold without restriction.

56. On the 10th, 20th and last day of each month, the quantity of spirits taken for denaturing during the months shall be warehoused, and ex-warehoused on Entry B.52, upon which shall be conspicuously endorsed the words "Free—for Denaturing Purposes"; Maturing Warehouse Account, T.222F, shall then be credited, and Officer's Record of Denaturing, T.273A, and Distiller's Record of Denaturing, T.274A, debited accordingly; monthly return, Form K.64 amended, shall be submitted by the distiller at the end of each month.

57. Denaturants when received in a distillery shall be placed immediately in the warehouse reserved for that purpose and secured under Crown lock; a sample of each lot and of each kind of denaturant shall, upon receipt, be selected by the officer and sent to the Department for analysis; each sample shall have a label affixed thereto showing the kind of denaturant, name and address of the distiller, date of shipment, signature of the officer in charge, and also a serial number which shall begin with Number 1 in each fiscal year; the denaturant shall not be used until the officer in charge has received Departmental approval.

58. Samples shall be addressed to the Chief, Customs-Excise Chemical Laboratory, Ottawa, and a letter relating thereto shall be forwarded to the Department.

59. Separate tanks shall be provided for the respective mixes of denatured alcohol and specially denatured alcohol, and each mix shall be supervised by two officers, who will check the accuracy of the proportions of the ingredients entering therein; each transaction shall be recorded in the Officer's Record of Denaturing, T.273A, and signed by the officers who supervised the mix.

60. In distilleries where mix tanks or tank cars are employed, both denaturants and spirits shall be run into the tank simultaneously.

61. When the spirit is denatured in drums, the denaturants shall first be run into the drums and the spirits added.

62. When the spirit is introduced, in order to ensure a thorough admixture of the denaturants and the spirit, the contents of the mix tank shall be plunged or otherwise agitated, for a time sufficiently long, in the opinion of the officer in charge, to effect a complete assimilation of denaturants and spirit.

Excise Act—continued

63. The greatest accuracy shall be observed in computing the proportions of denaturants to be used in accordance with the authorized formulae.

64. The quantity of all spirits entered ex-warehouse free for denaturing purposes shall be determined by two officers; distillers may be permitted to substitute an alcohol stronger than 65 O.P. upon condition that the proportion of the denaturant, or denaturants, is increased correspondingly to the increase in strength of the alcohol, provided that for specially denatured alcohol Grades No. 1-D and No. 1-F the strength of the alcohol used may not be varied from 65 O.P.

65. To provide for the proper admixture of the denaturants when manufacturing specially denatured alcohol Grade No. 1-D the supervising officers shall require that not less than one and one-half pounds of water shall be added to each two and one-half pounds of potassium iodide, B.P., before admixture with the ethyl alcohol, so that the former may remain permanently in solution; after the re-sublimed iodine and the potassium iodide have been added to the alcohol the mixture shall be thoroughly plunged before being drawn off into the packages for shipment; these operations shall be performed under official supervision.

66. SDAG No. 1-F may be filtered through cloth or filter paper; it may not be decolourized or clarified nor may any other material be added.

67. A compartment for the storage, under Crown lock, of SDAG No. 1 shall be supplied, constructed and secured in the manner prescribed by the General Warehousing Regulations, Circular No. 327-C, as revised, and no article other than specially denatured alcohol may be stored therein.

68. Specially denatured alcohol may be released upon receipt of orders from persons or firms holding permits to have it in their possession and use, or upon special permission from the Department.

69. The orders referred to in section 68 shall be presented to the Excise Officer in charge who will examine the list of permit holders to ensure that the purchasers are entitled to receive the particular grade ordered.

70. Specially denatured alcohol when shipped to a licensed bonded warehouse in another port shall be consigned on an Order Bill of Lading to the order of the collector at destination.

71. Warehouse and ex-warehouse (either removal or transfer) entries shall be passed by the consignor; the receiving warehouse shall pass a warehouse entry bearing a local number, and the goods, other than Grade No. 1-B, shall be released by means of a delivery order, on Form C.53, these entries need only show the standard gallons.

72. Entry papers are not required for shipment of the various grades of specially denatured alcohol to a permit holder, except grades 1-B, 1-X and 1-XS, and a straight bill of lading may be used.

73. The following procedure shall govern the shipment and labelling of grades Nos. 1-X and 1-XS:

- (a) These grades shall be shipped in bond on Removal Entry or Transfer if within the port, and be covered by bond, on Form D.56 Revised, which may be cancelled upon return of one copy of the

Excise Act—continued

- entry bearing across the face the words "Received and taken for use", and signed by an authorized representative of the permit holder;
- (b) These grades shall be known as "Spirex" and "Spirex-S" respectively, and shall be invoiced as such; in no case shall the words "alcohol" or "spirits" be used in the marking of any container nor shall such words appear on entry or shipping papers;
 - (c) There shall be legibly stencilled, in oil colours, on all tanks, drums, barrels and other containers used in shipment of these grades the words "SPIREX—POISON—CONTAINS BENZOL" or "SPIREX-S—POISON—CONTAINS BENZOL", as the case may be, together with the poison symbol, viz., skull and crossbones, in both cases.
 - (d) The words "Flammable Liquid N.O.S." may be used on bills of lading or shipping orders and on placards applied to railway cars, in addition to the wording required by this section.

74. Shipment of specially denatured or denatured alcohol may be made by a distiller in drums containing not more than one hundred standard gallons each; on one head of each drum there shall, at all times, be legibly cut or branded or painted in oil colours the name of the distiller or the port and distillery number, and on the other head, the gross, tare and net weight of the package, the quantity in standard gallons, and when denatured in whole or in part by wood alcohol, the packages shall be labelled with the words "Methyl Hydrate"—"Poison" in black letters not less than one-half of an inch in height on a white ground.

75. Drums containing specially denatured alcohol (SDAG No. 1-B) shall be distinctly stencilled in red coloured oil letters, with the words "Specially Denatured Alcohol, Grade No. 1-B", and the usual marks and numbers required for unmatured spirits removed to a bonded factory; this spirit shall be stored under Crown lock at the distillery and distillery bonding warehouses, throughout Canada and all shipments shall be made in bond, under provisions governing removal of spirits in bond, from the distilleries and distillery bonding warehouses; the bond shall be cancelled only upon advice from the officer in charge of the bonded factory who shall write on the face of the B.53 entry the words "Received and placed in duty-paid storage room".

76. Drums containing grades of specially denatured alcohol, other than SDAG No. 1-B, shall be stencilled in coloured oil letters distinct from the base, with the words "SDAG No. 1 . . ." and with the usual marks and numbers, except that the gravity of the denatured spirits shall be stencilled thereon in lieu of the strength.

77. The Department may further permit the shipment of denatured and specially denatured alcohol to recognized *bona fide* large users of or dealers in this commodity in tank cars and tank trucks; the tank in which the shipment is made will bear on its side, in oil paint, the mix number and the number of standard gallons and shall have affixed thereto a label bearing the word "Methyl Hydrate—Poison" in black letters not less than one inch in height on a white ground.

78. No such shipments shall be made, however, until the name of the consignee has been submitted to the Department; the Department is the

Excise Act—continued

sole judge of the volume of business of any person or company asking for the privilege of receiving denatured alcohol in tank cars; the privilege will be granted to those persons or companies only whose transactions are considered to be sufficiently large to warrant receiving the commodity in tank cars.

79. Distillers supplying specially denatured alcohol Grade No. 1-F shall forward to the Department, on or before the fifth day of each month, a report, on Form K.76, showing dates of all shipments; mix numbers; package numbers; name and address of consignees; permit numbers; number of standard gallons, and quantity in fluid ounces; standard gallons are convertible into fluid ounces by multiplying by 160; if no shipments have been made, the report shall contain a statement to that effect; and it shall be certified correct by the officer in charge of the distillery and mailed direct to the Department.

80. Upon the issue of new permits to applicants, or upon cancellation of existing permits, distillers and officers in charge of distilleries are required to exercise care in the revision of the existing list, in accordance with the notices received from time to time.

81. Official supervision shall be exercised over the removal of specially denatured and denatured alcohol from distillery premises.

82. When shipments of denatured alcohol are made to another distillery a statement shall be furnished to the officer in charge of the receiving distillery, showing in detail the date of shipment; number of packages; description and quantity, in standard gallons, and also the name of the distillery from which forwarded.

83. A record shall be kept by the officer in charge, in T.273A and B, and by the distiller, in T.274A and B, of all denaturants, production and disposals, as indicated in these records; a monthly return, in triplicate, on Form K.64 Amended, shall be completed at the close of each month's transactions.

Domestic Wines and Wine Spirits

84. Domestic wine may be received at a distillery from a wine manufacturer; the quantity brought in shall be determined by weight and recorded in Stock Book No. 1 (T.222A); the alcoholic value of the wine shall be ascertained by use of the test still; the quantity in proof gallons shall also be recorded in red ink and credited accordingly when taken for distillation.

85. The credit entry in Stock Book No. 1 shall be similarly entered to the debit of the Distiller's Record of Mash, T.208, in pounds and proof gallons, in black and red ink respectively.

86. When the distiller gives notice of his intention to distil domestic wine, all stills and rectifying apparatus shall be completely emptied and all distillery stock shall be placed under Crown lock.

87. When the wine has been distilled, the resultant quantity of spirits produced shall be determined and recorded as in the case of other spirit and shall be warehoused in accordance with departmental regulations.

Excise Act—continued

88. If the quantity, in proof spirits, determined at the closed spirit receiver be less than 97 per cent of the quantity ascertained by the test still of the wine taken for distillation and recorded in T.208, the facts should be reported to the Department.

89. All such spirits shall be warehoused at the current rate of duty as provided for in the Schedule to the Excise Act; they shall be stored separately and distinct from any other spirits and the packages containing them shall be legibly marked with the words "Wine spirit"; when they are removed to the bonding warehouse at the winery they shall be subject to the current rate of duty referred to in this section and shall not, while in any bonding warehouse, be classified as Canadian brandy.

90. The Excise Act requirement that certain spirits must remain in warehouse at least two years does not apply to spirits manufactured from domestic wine when the spirits are to be used for the treatment of wine by a licensed manufacturer in bond—wine.

91. Wine spirits may not be removed in bond to a wine manufacturer unless such manufacturer is licensed as a manufacturer in bond—wine.

Treatment of Spirits in Maturing Warehouse and Adjustment of Deficiencies

92. When transferring spirits at distilleries from barrels and tanks to other packages for the purpose of vatting, blending, racking, reducing or rewarehousing, the quantity shall be accurately ascertained to determine whether any deficiency has arisen thereon during the time the spirits have remained in the warehouse.

93. The deficiency having been determined, the legal allowance will be computed for the unbroken monthly period nearest to the date of warehousing or rewarehousing; an unbroken monthly period means one or more even months dating from the time of the original warehousing or rewarehousing.

94. The deficiency determined, when within the legal allowance, shall be covered by a free entry, but duty shall be paid on any deficiency in excess.

95. Except as provided for in sections 96 and 97, blended spirits, when rewarehoused, shall bear the date of the most recently warehoused portion thereof, which date must be that marked upon the packages, and for all purposes other than for the determination of the maturing allowance, spirits so blended shall be deemed to have been in warehouse only from such date.

96. Spirits may be flavoured by the addition of wine, or of domestic or imported spirits which meet the requirements of the Excise Act in regard to entry for consumption, without affecting the date of original warehousing of the former, provided that the quantity used for flavouring purposes does not exceed ten per cent in proof gallons of the quantity of spirits to which the flavouring is added, and the addition of such flavouring shall be confined to not more than two blendings.

97. New spirits may be used as flavouring provided that the resultant blend is not entered for consumption until the flavouring therein meets the

Excise Act—continued

requirements of the Excise Act in regard to entry for consumption; a notation shall be made in the Officer's Maturing Warehouse Ledger showing the particulars of the added flavouring.

98. When blended spirits are removed from one distillery to another, the face of the removal entry shall bear a statement showing the proportions of the respective flavouring spirits (domestic or imported), contained in the blend.

99. The final adjustment in respect of the legal allowance for maturing shall take place on or before a period of five years after the oldest portion thereof has been in warehouse for the full period for which legal abatement is allowed in accordance with the Excise Act.

100. In no case shall the time in warehouse, without being finally adjusted, exceed by more than five years the period provided by the Excise Act for abatement; the period shall date from the original warehousing of the spirits; when two or more spirits have been blended, the period shall date from the original warehousing of the oldest spirits contained in the blend.

101. Notwithstanding anything in sections 99 and 100, distillers are permitted to blend a quantity of older spirits not exceeding ten per cent in proof gallons of the quantity of spirits to which the older spirits are added without affecting the period from which the allowance for loss while maturing will be calculated.

102. Each package thus finally adjusted shall be conspicuously marked on the head bearing the Excise marks, with the letters "F.A." at least two inches in height; these letters will indicate that the spirits contained in the package have been adjusted to the full period of legal allowance and that thereafter no further allowance for maturing may be made; the spirits may then, at the option of the distillers, be returned to warehouse; when afterwards ex-warehoused, if for removal in bond, adjustment shall be made of weight, gallons, and strength, and any deficiency found shall be accounted for by duty-paid entry, on Form B.52.

103. Provision is made for an abatement of duty not exceeding one per cent on the deficiencies arising in the process of vatting, blending, racking, or reducing; the duty on any quantity of spirits in excess of the said abatements of one per cent shall be due and payable at the time the deficiency is determined.

104. At the time of determining the deficiencies, a free entry covering the amount of abatement of duty, not exceeding one per cent as above, shall be passed.

105. Should the quantity deficient exceed one per cent the duty on such excess shall be covered by a duty-paid entry.

106. A licensed distiller may not subject wooden casks or barrels to any process for the purpose of extracting any spirits absorbed in the wood.

107. When foreign spirits are brought into a distillery for maturing or blending purposes, the date of manufacture shall be deemed to be the date when warehoused at the distillery, except as provided in sections 96, 168 and 169.

Excise Act—continued

108. An abatement for wood absorption, not exceeding three per cent of the quantity originally warehoused in barrels, shall be allowed in addition to the regular legal allowance on spirits which have been continuously in warehouse for not less than two years, such abatement shall be allowed only when spirits are first adjusted for legal allowance in wooden barrels and not on spirits which have been rewarehoused after adjustment has once been made for shrinkage by evaporation while maturing; provided, however, that when spirits are originally warehoused in tanks, adjusted and rewarehoused in wooden barrels, the abatement will be allowed on these barrels when dumped and adjusted but not thereafter.

109. The following ventilator for use with metal tanks for the maturing of spirits in distilleries, as required by the Excise Act, is hereby approved: The ventilating pipe shall be four inches in diameter, with a cap six and one-quarter inches in diameter and two inches deep; the four-inch pipe shall be projected not less than two inches above the top of the manhole of the tank; the cap shall project below the top of the inner pipe, one inch, and the space between the top of the inner pipe and the inside of the cap shall be not less than one inch; the cap shall be secured to the inner pipe by three lugs which shall be not more than five-eighths of an inch wide and shall be riveted to both parts; the flange on the bottom of the inner pipe shall be turned over not less than seven-eighths of an inch and be fastened to the under side of the cover of the manhole; a disc eight inches in diameter, concaved one inch, shall be secured with three lugs, each five-eighths of an inch wide, securely suspended not less than one inch clear of the manhole cover and directly under the four-inch pipe.

Spirits Taken for Reducing, Removal, and Re-Warehouse

110. When a distiller wishes to have access to spirits which have been placed in warehouse for the purpose of changing the strength or for putting them into other packages, he shall give to the officer in charge written notice, stating the marks and numbers of packages to be treated, for what purpose access is desired and the approximate quantity in proof gallons.

111. The expression "for reducing" means the action of changing spirit in bonding warehouse from one package or container to another package or container with or without any alteration in strength, and spirits "on reducing" means those under treatment and for which a rewarehouse entry has not been made.

112. The officer will ascertain the quantity contained in the respective packages by weighing and testing the spirits, and if a deficiency has occurred while they have been in warehouse, the legal allowance for maturing will be calculated and shown in the Record of Legal Allowance Computation, Book T.251, or on form sheets approved by the inspector; an entry, for Maturing Warehouse Transactions, Form B.74, shall be completed in accordance with the instructions contained on the reverse side of the form; the disposition of the spirits shall be shown on the bottom of Form B.74.

113. The quantities shown as taken "for reducing" and "for rewarehouse" do not affect the balance against the warehouse; these transactions shall be shown in red ink in the individual account or accounts affected in the Distillery Officer's Maturing Warehouse Ledger, T.232B; if packages are affected, these will be a debit or a credit, as the case may be, and be

Excise Act—continued

shown in the officer's records; the entire transaction, as it affects the warehouse balance, shall be entered in Distiller's Maturing Warehouse Account, T.222F.

114. Any excess deficiencies occurring in the above transactions shall also be accounted for by Entry for Consumption, Form B.52, and duty shall be collected thereon.

115. Spirits, whether in barrels, drums or tanks, may not be left "on reducing" in the warehouse for more than sixty consecutive days.

116. The packages in which spirits are rewarehoused shall be marked with the date of the original warehousing as a guarantee of age, and also with the letter "R" (not less than two inches in height) and the date of rewarehousing; (for example, "R 4-54" would signify that the packages were rewarehoused in the month of April, 1954; that the legal allowance up to that date had been adjusted and a credit entry passed).

117. In the case of a blend, the date of the original warehousing of the oldest spirit of the blend will be similarly marked on the packages, with the month and year of original warehousing of the oldest spirit in the blend preceded by the letter "O", (thus "O 8-51" would indicate that the spirit was originally warehoused in August, 1951).

118. The marks "R 4-54" and "O 8-51" may be removed, if the distiller so desires, when the spirit is entered for consumption or removed in bond to a warehouse which is not part of another distillery.

119. In order to keep the packages accurately in warehouse accounts, the number of packages taken for treatment should be credited and the number of packages in which spirits have been placed after treatment should be debited in black ink and the necessary deductions or additions made to show the correct balance.

120. Distillers may remove to another licensed distiller spirits which have been in maturing warehouse for a period less than the full term provided by law; the age of the spirits shall be computed from the date when originally warehoused; spirits when shipped from one licensed distiller to another, before the full legal period of maturing has elapsed, shall be weighed and tested when ex-warehoused for removal and the deficiency within the legal allowance covered by a free entry; duty must be paid on that in excess of the legal allowance for the period while in warehouse; spirits, when received at the distillery to which consigned, shall be dealt with in the regular manner.

121. When spirits are removed in bond from one licensed distillery to another, the removal entry shall show clearly that they are to be removed to.....Licensed Distiller; a memo shall be written across the face of each removal entry stating the date (day, month and year) of the oldest spirit contained in each bond, and also the type of spirit.

122. When spirits are removed in bond, in casks, from a distillery to a licensed bonding warehouse, the Department will not recognize their age after the date of ex-warehouse from the distillery.

123. All further deficiencies arising on spirits in maturing warehouse, after the full period of maturing provided by law, shall be dealt with at the distillery where ex-warehoused.

Excise Act—continued

124. In the case of a surplus found, either on removal or in any department of the distillery, it shall be charged to the account where it has arisen, that is, if found in maturing warehouse, surplus shall be charged to maturing warehouse only, and a supplementary entry shall be passed therefor, referring to the original warehousing entry.

125. Duty shall be paid on all spirits which enter into consumption and officers in charge are required to ensure strict compliance with the law in this regard.

126. The strength of spirits blended with flavouring syrups, wines or other flavouring matter, which would conceal the accurate strength shown by Sikes' hydrometer, shall be ascertained by distillation with the test still, the sample of the blend being brought to a standard temperature of 62 degrees F.

127. As the alcoholic strength so obtained bears no relation to the specific gravity of the spirit, the result of the test should not be used for ascertaining the weight per gallon.

128. The accepted weight per gallon shall be obtained by taking a hydrometer reading of the finished blended spirits and referring to the specific gravity section of the hydrometer tables, or if necessary, Bates' saccharometer; spirits for these tests shall be tested at a temperature of 62 degrees F., and at 60 degrees F. for the saccharometer.

129. All spirits removed in tank cars shall be weighed in a tank scale at the shipping distillery and again before being warehoused at the receiving distillery.

Deficiency or Surplus on Removal, Export, in Bond

130. If the discrepancy be less than one-half of one per cent the quantity alleged to have been removed shall be rewarehoused, but if such discrepancy is in excess of that proportion, an entry for warehouse shall be made for the quantity actually received; this requirement applies only to bulk goods; if the spirits be bottled, the shortage of even one case of such bottled goods, notwithstanding that it be less than one-half of one per cent of the quantity removed, shall be treated as a deficiency upon which duty shall be paid.

131. Whenever the quantity warehoused differs from the quantity stated in the removal entry, a detailed statement shall be made in duplicate, on Form E.112, showing the deficiency or surplus in each package; one copy of the statement shall be transmitted to the Department and the other to the collector of the port from which the spirits were removed.

132. If such aggregate discrepancy represents a deficiency, the collector of the port from which the spirits were removed shall cause the consignor to pass an entry Ex-Warehouse for Consumption for the quantity so deficient and collect the duty thereon; the collector shall also direct the Department's attention to the special nature of such entry by writing across the face the words "to account for deficiency on Removal Entry No."; this entry shall bear the entry number of the port as an entirely separate transaction.

133. As the entry Ex-Warehouse for Consumption, referred to in section 132, will be a second credit, the account will be charged with the

Excise Act—continued

same amount on a warehouse entry, bearing across the face the words "to account for deficiency on Removal Entry No." in order that the correct balance be maintained.

134. If the discrepancy represents a surplus, two entries shall be passed by the consignor, one For Warehouse and the other Ex-Warehouse for Removal; there shall be written across the face of each entry the words "Supplementary to Entry No.", inserting in each case respectively the number of the entry ascertained to have been inaccurately made; these entries will also receive the port entry numbers.

135. The entries in the warehouse ledgers of the shipping port shall be made from these entry papers in the usual way.

Spirit Permits

136. Permit Form T.204 shall accompany all spirits ex-warehoused for shipment; all specially denatured alcohol shipped to licensed bonded warehouses, and specially denatured alcohol Grade 1-B shipped to licensed bonded manufacturers, and where it is required by provincial regulations, a liquor control board or commission permit shall also be attached to the T.204.

137. Permits for the removal of spirits from any distillery, or from any warehouse wherein they have been bonded or stored, may be granted by the collector or Excise officer in charge on application of the owner of such spirits or of his duly authorized agent.

138. Every application for a permit shall be made on Form E.106, and shall be signed by the person making it.

139. Officers issuing these permits will fill in their own consecutive local number and this number will also be shown on the corresponding Requisition for Permit, Form E.106, which will be filed and held for the same period as entry papers before being destroyed.

140. Every permit granted shall be on the forms supplied by the Department and printed on paper especially prepared for the purpose with such type or engraving as may be approved by the Department.

141. Every permit shall state the period for which it is to remain in force, which period shall not be more than will, in the opinion of the officer granting it, be sufficient for effecting the removal of the spirits to which it relates.

142. The permit shall accompany the spirits to which it relates and remain in the possession of the person having charge thereof, but it shall be produced for examination as often as may be required by any officer having authority, and signed by such officer after examination.

143. When the spirits covered by permit have been exported or are-housed, the permit accompanying the goods shall be delivered to the receiving collector, and as the permit has served its purpose, it may be destroyed, provided, however, that the permits covering spirits shipped to a licensed druggist shall be held on file until the collector is assured that the spirits have been charged in the licensed druggist's records.

Excise Act—continued

144. Permits shall not be granted for the removal of spirits unless the packages in which they are contained have been marked and numbered in conformity with the General Warehousing Regulations, as contained in Circular No. 327-C, as revised, nor unless the applications for such permits are made in the form, and filled in with all the particulars required.

145. Matured spirits may be removed IN BOND from any distillery or bonding warehouse for the following purposes or persons exclusively:

- (a) another licensed distiller;
- (b) another licensed bonding warehouse;
- (c) for exportation;
- (d) for ships' stores;
- (e) heads of diplomatic missions accredited to Her Majesty in Canada, upon written application personally signed by the head of the mission;
- (f) high commissioners representing other of Her Majesty's governments in Canada, upon written application personally signed by the high commissioner;
- (g) trade commissioners and assistant trade commissioners representing other governments in Canada, when the country they represent extends similar privileges to Canadian trade commissioners and assistant trade commissioners abroad and not otherwise, upon written application personally signed by the trade commissioner;
- (h) counsellors, secretaries and attaches at embassies, legations and offices of high commissioners in Canada whose governments accord the same privilege to Canadian officials holding corresponding posts in the countries represented by such embassies, legations and offices of the high commissioners, upon written application personally signed by the head of the mission or the high commissioner.
- (i) consuls general, consuls and vice consuls of foreign nations who are natives or citizens of the country they represent and who are not engaged in any other business or profession, upon written application personally signed by such consuls general;
- (j) such other persons as the Minister may from time to time determine.

146. Matured spirits may be shipped DUTY PAID, but subject to provincial regulations, to the following:

- (a) the Department of National Revenue;
- (b) another licensed distiller;
- (c) a provincial liquor commission or board;
- (d) for exportation;
- (e) any person or persons holding a permit from a provincial liquor commission or board.

147. Unmatured spirits may be shipped IN BOND to the following parties exclusively:

- (a) another licensed distiller;
- (b) a licensed manufacturer in bond;
- (c) a distiller's bonding warehouse, apart from the distillery premises, licensed for the storage of unmatured spirits;
- (d) such other persons as the Minister may from time to time determine.

Excise Act—continued

148. Unmatured spirits may be shipped DUTY PAID from a distillery as provided for in section 33.

149. Permits covering shipments of spirits duty paid from a distillery to the persons and organizations specified in section 33 shall be issued in duplicate and one copy, together with bill of lading, shall be mailed to the Collector of Customs and Excise of the port wherein these persons and organizations are located.

150. When spirits are shipped duty paid to persons other than a liquor commission or board, the officer in charge shall notify the chairman of the liquor commission or board of the province into which such spirits are being shipped on advice of shipment of duty paid spirits, Form E.126.

151. If a liquor commission or board desires confirmation of any duty paid shipment made to it, an extra copy of Excise Delivery Order, Form C.53, covering each shipment made to such commission or board shall be made by the licensee, signed and stamped by the officer in charge and mailed to the consignee.

Excise Duty Paid Spirits

152. Excise duty paid spirits may be shipped under Permit T.204 from one licensed distiller to another.

153. Duty paid spirits may be returned to a distiller from any provincial liquor commission or board under Permit T.204, and may be taken into duty paid stock, provided the officer in charge is given a certified copy of the consumption entry or furnished with other satisfactory proof that the duty has been paid.

154. When received at a distillery, duty paid spirits shall bear the markings authorized by the General Warehousing Regulations; the markings on the barrels or cases shall be checked with the permit and should agree with the information therein contained; the actual quantity of Excise duty paid spirits brought into or returned to a distillery shall be determined by the officer in charge who shall weigh and test all bulk spirit in the same manner as if received in bond; he shall also count the cases of bottled spirits and assure himself that the strength indicated on the cases is correct; the quantity thus ascertained shall be debited in the Duty Paid Spirits Warehouse Account and the packages stored in the duty paid warehouse of the distillery.

155. Duty paid spirits received, when not accompanied by a permit or on which the markings do not agree with those shown on the permit, shall be placed under Crown lock, a sample sent, and the facts reported to the Department.

156. When spirits stored in the duty paid warehouse of a distillery require re-conditioning, the distiller shall apply to the Department for permission to transfer such spirit to the distillery stock; the application shall be accompanied by a certified copy of the consumption entry establishing that the Excise duty has been paid.

157. Upon receipt of such application, the Department may issue a letter of authority for the distiller to take the spirit into distillery stock; the file number and date of the Departmental letter shall be noted as authority for the transaction in Distillery Stock Book No. 2.

Excise Act—continued

158. Upon application, the Department may recognize the age of duty paid spirit returned to distillery stock provided that the spirits have been continually in a distillery warehouse and are not to be re-distilled.

159. On and after the first day of each month, the distiller may pass a free entry ex-warehouse for an equivalent quantity in proof gallons sufficient to counter-balance the quantity of duty paid spirits taken into distillery for further treatment, quoting as authority on the entry the file number and date of the Departmental letter.

160. At the end of each month, the quantity of duty paid spirits transferred to distillery stock, and for which the distiller is entitled to an equivalent quantity in proof gallons by free entry, shall be shown in Distillery Stock Book No. 2 in the space provided, and in the corresponding statement on the monthly return.

161. When spirits shipped to a licensed druggist under the provisions of section 33 require to be returned to a distillery, permission must first be obtained from the Department, when the foregoing instructions will apply; such spirits, upon being received at the distillery, shall be stored in the duty paid warehouse, separate and distinct from other spirits, and shall be recorded as such in the Duty Paid Spirits Warehouse Account; if required for further treatment, full Excise duty must be paid thereon before transferring to distillery stock.

162. When Excise duty paid spirits are being blended, all spirits in process of blending in bond must first be entirely removed from the blending-room or secured in tanks under Crown lock.

Customs Duty Paid Spirits

163. Customs duty paid spirits, flavouring material with a spirit content, or wines, imported by a distiller or purchased from the importer, may be brought into the distillery for blending purposes with the approval of a liquor control board or commission; the Excise Officer in charge shall be furnished with a copy of the Customs entry accounting for duty paid thereon; he will place these goods under Crown lock; Departmental permission shall be obtained to take such Customs duty paid spirits into stock and for a free entry; a sample of each lot of flavourings and wines received shall be sent to the Department with a covering letter requesting determination of the spirit content; when permission is granted, the spirits may be taken into stock and warehoused, proper entries to be made quoting the letter of authority; free entries must show the file number and date of the authorizing letter.

164. When, because of the tariff classification of wines and of extracts having a spirit content, the Customs duty, fully paid, is lower than the Excise duty, then the equivalent quantity in proof gallons to be given free shall be determined by dividing the amount of duty paid as shown on the Customs Entry by the current rate of Excise duty.

Domestic Wines and Flavouring Materials

165. (1) The quantity of domestic wines and flavouring materials with a spirit content, when brought into a licensed distillery for blending in bond, shall be ascertained by the Excise Officer in charge; the quantity found shall be taken into distillery stock and immediately warehoused.

Excise Act—continued

(2) The blending of flavouring materials and Excise tax paid wine with duty paid spirits is permitted in duty paid warehouse.

166. When wine, as defined by the Excise Tax Act, is brought into a distillery for in bond blending purposes without application of Excise (gallnage) tax, the officer in charge shall sign a copy of the Entry for Warehouse and forward it to the winery concerned for Excise tax audit purposes.

Imported Spirits and Wines in Bond

167. Imported spirits, flavouring extracts classified by the Department as spirits, and imported wines, transferred in bond from Customs to Excise for blending purposes, shall be in original packages; they shall be removed direct from Customs custody to the licensed distillery and be accompanied by a certified copy of the Customs entry covering the transfer.

168. When spirits or wine are imported direct from the country of origin, the Department may recognize the age as shown by a certificate issued by Excise or Customs officials of any British country.

169. The Department may, in its discretion, recognize the validity of certificates of age supported by satisfactory evidence from some competent government authority in the country of origin, covering spirits or wine imported direct from non-British countries when application for age is made by the importing distiller.

170. The officer in charge shall determine, for Excise purposes, the quantity of spirits, in proof gallons, and shall certify to such quantity on the face of the certified Customs entry.

171. The quantity, as determined by the officer in charge, shall be entered in Distillery Stock Book No. 2, along with other information required under the heading Ex-Customs, and shall be warehoused at once.

172. In the case of spirits, including flavouring extracts, wine, rum and brandy, the strength of which cannot be determined accurately by Sikes' hydrometer, the actual quantity in proof gallons contained in the wine or spirits shall be determined by means of a test still.

173. The certified copies of all Customs entries covering such importations shall be kept on file until checked by the inspector.

174. The Excise officer in charge shall, at the close of each quarter, forward to the Department a statement, on Form G.68, detailing all imported spirits and wines brought into the distillery for blending purposes.

175. When the rate of Customs duty on imported spirits exceeds that collectible under the provisions of the Excise Act, the distiller shall, upon passing Customs Ex-Warehouse Entry on imported spirits, pay the sum represented by the difference between the duty collectible under the Customs Tariff and the Schedule to the Excise Act; no portion of the Customs duty will be collected when the rate of Customs duty does not exceed the date of Excise duty.

176. The distiller shall enter all imported goods in his Excise books at the spirit content, in proof gallons, and warehouse them at the prevailing rate of Excise duty.

Excise Act—continued

177. The blending of imported brandy with Canadian brandy is permitted in a ratio not exceeding twenty-five per cent, in proof gallons, of imported brandy.

178. The difference in Excise duty between Canadian brandy and distilled spirits shall be paid on every proof gallon of imported brandy taken for blending with Canadian brandy in a distillery warehouse.

Canadian Brandy

179. All brandy subject to the Canadian brandy rate of duty, whether in bulk or case, shall be stored separately from other spirits.

180. Canadian brandy shall be shown separately from other spirits in the distiller's and officer's official records, monthly returns and stock statements.

Bottling Spirits in Bond

181. Subject to the following regulations, a licensed distiller may bottle, in bond, the spirits, the product of his own or of any other licensed distillery, such spirits having been continuously in the bonded warehouse of a licensed distiller.

182. A portion of the distillery premises, approved by the Department, shall be secured by Crown lock and be used solely for bottling purposes.

183. The distiller shall have access to such portion only in the presence of an Excise officer.

184. Six hours' notice shall be given of each intended removal of spirits from the bonded warehouse of the distillery to the bottling premises.

185. The notice shall set forth the number of packages to be removed and the entry number and serial number of the packages.

186. The beam of the scale used for determining the quantity of spirits bottled shall be graduated in pounds and tenths of a pound.

187. The bottles or flasks to be used, after having been cleaned and dried, shall be weighed in the presence of the officer, who shall record the number and weight of such bottles or flasks in a book provided by the Department for that purpose.

188. Except as hereinafter provided, distillers shall weigh all of the bottles or flasks used.

189. Except as hereinafter provided, after the bottles are filled and before they are corked and labelled, they shall again be weighed and the net weight of the spirits in the bottles shall be ascertained by deducting the first weight from the second; when the bottling of each Excise number is completed, the aggregate net weight shall be divided by the number of bottles weighed; in this manner, according to the number of bottles per case, the average weight per case may be obtained, which weight, divided by the gravity of the spirits, will give the standard gallons per case.

190. In any distillery in which is installed bottle filling apparatus, known as vacuum filling machines or any similar apparatus, the use of which is authorized, it will be adequate compliance with these regulations for determination of quantity if the weight of not less than ten per cent of the number of bottles or flasks be ascertained.

Excise Act—continued

191. If, at any time, the officer in charge of any distillery should consider it necessary, in the interest of the revenue, to determine the weight of the whole, or any part not less than ten per cent of the spirits being bottled, he may require the distiller to arrange for determination of weight accordingly.

192. Empty bottles shall in every instance be thoroughly dried before weighing.

193. Officers in charge of distilleries wherein rotary vacuum bottle filling machines are employed shall ensure that the controlling mechanism, after being adjusted to fill the bottles to the required level, be secured, if possible, by Crown lock, so that the mechanism cannot be altered or the adjustment interfered with, without the knowledge and consent of the officer in charge of the bottling room.

194. Spirits, when entered for transfer to the bottling room, shall be recorded in Distiller's Maturing Warehouse Account, T.222F, and treated as a local entry, the quantity transferred being carried to the debit of Distiller's Bottling Daily Record, T. 233.

195. The quantity bottled shall be credited in the Daily Record and carried to the debit of Distiller's Bottled Stock Account, T.222C, by means of a local port entry which shall not be forwarded to the Department, and credited when ex-warehoused.

196. When cases are entered ex-warehouse for consumption, the Duty-Paid Spirits Warehouse Account (cases), T.222G, shall be debited, and credited when disposed of.

197. All books shall be balanced monthly.

198. A tank or tanks shall be provided, into which all bulk spirits shall be placed and from which the bottles or flasks shall be filled.

199. At the close of each transaction, the deficiency arising thereon shall be determined and recorded and at the end of each month an ex-warehouse entry shall be passed, provision being made for an abatement not exceeding one per cent on the month's transactions, to cover deficiencies in spirits arising from bottling operations; the duty on deficiencies in excess of one per cent is due and payable at the end of each month.

200. The month's transactions in the bottling room shall be shown in the distiller's monthly return.

201. Except for export, each case or package of bottled spirits shall contain not less than one Imperial gallon.

202. All bottled spirits when ex-warehoused or removed shall be subject to all regulations and restrictions made and established in respect of other spirits, except as herein specifically provided.

203. The distiller shall attach to each bottle or flask an age strip stamp which shall be placed over the cork and extend down each side of the bottle or flask to completely seal the package and to prevent the removal of the contents without breaking the stamp; provided that in respect of the following spirits the use of the age strip stamp may be optional:

- (a) All types of gin;
- (b) All cocktails, cordials and liqueurs specified in the Excise Act;

Excise Act—continued

- (c) Blended spirits (including Scotch and Irish types of whisky) containing less than 75 per cent of domestic spirits;
- (d) Spirits entered for export in bond.

204. Age strip stamps, of a design and material approved by the Department, will be furnished free of charge to the officer at the distillery for delivery to the distiller upon proper requisition being made by the distiller to the collector.

205. A book shall be kept by the officer in charge of the bottling room in which shall be recorded the respective year and serial number of the stamps received and, when these are delivered for immediate use, a record of the serial number of the stamps shall be recorded therein in respect of each Excise number bottled to serve as a means of identification.

206. The Monthly Statement of Spirit Age Strip Stamps, Form G.63, shall be completed in duplicate, and one copy shall be forwarded to the Department, addressed for the attention of the Supervisor, Customs-Excise Stamp Branch.

207. The Importation of Intoxicating Liquors Act authorizes the importation of spirits by a licensed distiller for blending or flavouring with the products of the distiller; spirits so imported, except liqueurs as defined by the Department, may not be bottled in bond by a distiller without the addition of at least twenty-five per cent in proof gallons of domestic spirits, the product of his own or another Canadian distillery.

208. Spirits of a strength which is less than the percentage of absolute alcohol by volume, as defined by the Food and Drug Regulations, may not be bottled in bond or duty paid for consumption unless the proof spirit or alcoholic content is legibly printed on the face of the label.

209. Pursuant to the Excise Act, distillers may attach to bottles, flasks or other packages of spirits a label, stamp or other device containing the name of the spirits and the name and address of the distiller, but if any additional statement or information be included, the label, before being so attached, shall first be approved by the Department as to form and wording.

210. Spirits exported to countries which do not require a certificate of age and origin, and bearing a label in which any reference is made to Canada, such as the use of the word "Canadian", in either the trade name or to designate a type, shall contain not less than 51 per cent of the spirits distilled in Canada.

211. When spirits for export have been distilled, warehoused, blended, made, aged or bottled under the supervision of the Government of Canada, the use of a label on the bottles containing such spirits and bearing a statement "Distilled" (or "Warehoused", "Blended", "Made", "Aged" or "Bottled", or any combination thereof), under Canadian Government supervision, or any similar statement to that effect, is specifically authorized.

212. The contents marked on labels used on bottles or blown into bottles to contain spirit to be entered for consumption in Canada shall be shown in Imperial or metric measure.

Excise Act—continued

213. (1) All body labels used for bottling spirits shall include the name and address of the licensed distiller who bottles or assumes responsibility for the bottling.

(2) When the bottling is done for a person, firm or corporation in Canada other than the distiller, the name and address shown on the label may be that of such person, firm or corporation, or the name of a person, firm or corporation in or outside of Canada with the address of the distiller in Canada.

214. Pencil sketches, drawings or blue prints of labels drawn to scale or actual size photographic copies of labels may be submitted in duplicate to the Department for tentative approval before expense is incurred for printing or lithographing, but formal approval of the finished label will be given only upon three specimen copies being submitted under covering letter; Excise officers in charge will be furnished by the Department with specimens of all approved labels and they shall ensure that the labelling requirements are strictly observed.

215. (1) Except for export, the following information shall be distinctly marked in durable paint in letters not less than one-quarter of an inch in height on one side of the case:

- (a) the Excise number (to be not less than one inch in height);
- (b) the year when the spirit was originally warehoused;
- (c) the month and year when the spirit was bottled;
- (d) the number of standard gallons contained therein;
- (e) the strength in proof gallons;
- (f) the number of bottles or flasks contained therein;
- (g) the registered number of the distillery;
- (h) the port serial number.

(2) The information shall appear on all cases in the following sequence and wording:

Excise No.
W'hse-Btld.
Gallons
Strength
Bottles
Dist.-Port.

216. In the case of spirits bottled for the export market, the information contained in paragraphs (a) and (c) of subsection (1) of section 215, together with the letters EXPN, placed on each case, in letters not less than one inch in height, is authorized; cases marked for export must not be stored with domestic cases, nor be released for consumption.

217. Not less than one case may be entered For Warehouse or Ex-warehouse by one entry.

218. In accordance with the terms of section 203, the following conditions are to be carefully observed in respect of spirits bottled IN BOND and intended for export from Canada:

- (a) Strip labels supplied by the distillers may be used, provided that specimens in quadruplicate have been submitted to the Department and approved.

Excise Act—continued

- (b) The colour of such strip labels shall not conflict with age strip stamps supplied by the Department and shall have the word "EXPORT" displayed in the centre; if so desired, these strip labels may have such additional information as the Department may approve printed thereon.
- (c) Cased spirits so labelled are to be stored apart from other cases in the Bonding Case Warehouse, each lot being conspicuously placarded for identification purposes and appropriate measures taken for a similar purpose, when recording the Bottling Stock Books, T.222C and T.222D.
- (d) Distillers may pay duty on these goods and enter same for export from Canada, provided that a written undertaking to the following effect has been filed with the Department:

"We hereby undertake and agree that the type of strip label supplied by us when approved by the Department of National Revenue will be used exclusively on Canadian spirits entered for exportation in bond out of Canada, or entered for exportation duty paid out of Canada."
- (e) Under the foregoing circumstances, the distiller's face label may have the phrase Bottled in Bond printed thereon.
- (f) Bottled spirits labelled as hereinbefore described may not, under any circumstances, be entered for removal or transfer in bond, nor otherwise shipped for distribution in Canada.

Insolvency

219. Should a licensed distiller become insolvent, or from other causes permanently cease operations, the Department may permit the person purchasing the bonded spirits produced in such distillery and which have been constantly under Excise control in the said distillery to bottle the same in bond.

220. A suitable compartment, approved by the Department and licensed as an Excise Bonding Warehouse, shall be provided by the purchaser of the spirits, in which the bottling shall be carried on in the presence of an Excise officer.

221. The compartment in which such spirits in barrels or other packages are stored is to be secured by the joint locks of the Department and the licensee, and shall be separate and distinct from the regular licensed warehouse.

222. No work, other than the bottling of such spirits, shall be carried on in such compartment.

223. The bottler of such spirits shall pay to the collector, to cover the costs of supervision, the sum of one hundred and fifty dollars per month or fraction thereof.

224. Spirits when entered for transfer to bottling room shall be carried to the debit of Distiller's Bottling Daily Record, T.233.

225. The quantity, when bottled, shall be entered to the credit of Distiller's Bottling Daily Record, T.233.

226. In all other respects the bottling of spirits, referred to in section 219, shall be subject to the regulations provided for a licensed distiller.

Excise Act—continued*Bottling Spirits—Duty Paid*

227. Distillers may be permitted to bottle on the licensed distillery premises spirits upon which the Excise duty has been paid, subject to the following conditions:

- (a) All spirits in process of bottling in bond shall either be entirely removed from the bottling room, or secured, in tanks, under Crown lock;
- (b) Official age strip stamps may not be used;
- (c) In lieu thereof, a strip label, supplied by the distiller and approved by the Department, may, if desired by the distiller, be placed over the cork and extend down the neck of the bottle or flask on each side; this label shall not bear the words "Bottled in Bond", but instead, the words "Bottled at the Distillery";
- (d) The face label is to be similarly worded in addition to other information contained thereon, as approved by the Department.

Returns

228. On or before the third day of each month, every licensed distiller shall prepare and deliver to the officer in charge a return, on Form K.50, in triplicate, separate and distinct for each month and relating to the month last preceding the date of the making of such return, showing all information required by the form.

229. The officer in charge, after having the return checked and attested by the licensee and distiller, will forward all three copies to the collector who, after checking and signing the return, shall retain one copy, forward one to the interested inspector, and the remaining copy to the Department.

230. On or before the tenth day of April in each year or upon the discontinuance of licence, the officer in charge shall prepare an Annual Statement, on Form G.55, in quadruplicate, which shall be a complete and accurate record of the books and monthly returns as shown by the Abstract Register, T.205, for the transactions occurring in the previous fiscal year and showing all information required to be shown on the return.

231. The Annual Statement shall be attested by the distiller as to the correctness of quantities stated therein; all four copies shall be forwarded through the collector to the inspector concerned, who, upon checking and signing the same, shall retain one copy for his files, return one copy to the officer in charge and forward one copy each to the Department and the collector.

Office Accommodation

232. The licensee shall supply suitable office accommodation for the exclusive use of the Excise staff, separate and distinct from the licensee's executive offices; all premises so provided shall be heated, lighted and equipped with office furniture and facilities to the satisfaction of the Department and shall be maintained in a clean and sanitary condition, the total cost to be borne by the licensee; the facilities herein referred to shall be adequate for the testing of spirits, instruments, and other requirements.

Excise Act—continued*Instructions to Officers*

233. Any occurrence which would not be recorded in the Departmental books, as a matter of course, and which the officer under whose supervision it happens considers worthy of note, should be reported by him to the Excise officer in charge.

234. Distillery Officer's Attendance Book, T. 201, will be provided for each distillery; in this book the officers will record the time of their arrival and departure each day; the officer in charge will be required only to place his initials at the foot of each day's entries as proof that he has examined them and will enter in the remarks column any observations he may see fit to make as to the attendance of the officers.

235. All scales used in or about the distillery shall be checked for balance by the officer before being used; closed spirit receiver scales shall be further checked for balance, with standard weights, at least once each week when the distillery is in operation; these standard weights shall be supplied by the licensee.

236. The officer in charge shall test and compare all hydrometers in use with the glass standards at least once each month and ensure that care is used in the handling of all instruments by officers.

237. Official lock and seal labels shall have the required information as to use, date, and signature of officer, written on the face of the stub and labels; reasonable care shall be taken to ensure that the labels are not defaced when the key is being inserted in the lock, and after being taken from the lock the used labels shall be attached to the stub from which they were originally taken.

238. Spirit samples taken for testing shall be returned to stock immediately after the tests have been recorded.

239. The officer in charge of a distillery shall be considered as the chief of the distillery staff and known as the Excise Officer in Charge.

240. In all distilleries where the Department deems it advisable, the officer in charge may be provided with an assistant to be known as second officer.

241. The officer in charge shall be responsible to the collector for the supervision of the distillery staff and the allocation of officers for duty in the various departments of a distillery.

242. Officers in charge are responsible for the security of all locks, seals, and other equipment, and for the safe custody of instruments, keys, books and all Departmental equipment.

243. The officer in charge may, at the request of the distiller, affix his signature to a certificate of age or origin of spirits, provided that the wording of the certificate constitutes a statement of fact and can be verified from official records.

Excise Act—continued

Books to be Kept by Licensee

244.			
(a)	Distiller's Notice Book	T.234	
(b)	" Record of Mash Fermentation and Production of Spirits	T.208	
(c)	" Stock Book No. 1, Grain	T.222A	
(d)	" Stock Book No. 2, Spirits	T.222B	
(e)	Distillery Maturing Warehouse Account	T.222F	
(f)	" Duty Paid Spirits Warehouse Account	T.222G	
(g)	Distiller's Bottling Daily Record	T.233	
(h)	" Bottled Stock Account	T.222C	
(i)	" Record of Denaturing	T.274A	
(j)	" Record of Denatured Alcohol	T.274B	

Books to be Kept by Officer in Charge

245.			
(a)	Distillery Officer's Attendance Book	T.201	
(b)	Spirits Weighing Book	T.252	
(c)	Spirits: Tank Weighing Book	T.250	
(d)	Distillery Officer's Maturing Warehouse Ledger	T.232B	
(e)	Officer's Record of Balances in Maturing Warehouse	T.248	
(f)	Distillery Officer's Minute Book	T.260	
(g)	Distillery Officer's Bottling Daily Record	T.233A	
(h)	Distillery Officer's Bottled Stock Warehouse Account ..	T.222D	
(i)	Distillery Officer's Bottled Stock Warehouse Transactions	T.260A	
(j)	Original Record of Spirits Weighed at Closed Receivers	T.249	
(k)	Distillery Officer's Record of Fusel Oil	T.259	
(l)	Officer's Record of Denaturing	T.273A	
(m)	Officer's Record of Denatured Alcohol	T.273B	
(n)	Abstract Register for Distillers (parts 1 and 2)		
	(parts 3 and 4)	T.205	
(o)	Record of Legal Allowance Computation	T.251	

246. The method of recording transactions in the above books may be varied at the discretion of the inspector.

4. Brewery Regulations

P.C. 1954-1022

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 6th day of July, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the powers conferred by section 176 of the Excise Act, is pleased to order as follows:

1. The Consolidated Regulations governing Breweries, established by Order in Council P.C. 4567 of 13th September, 1949, as amended, are hereby revoked; and
2. The annexed "Regulations governing Breweries" are hereby made and established in substitution for the regulations hereby revoked.

Excise Act—continued

REGULATIONS GOVERNING BREWERIES

Short Title

1. These regulations may be cited as *The Brewery Regulations*.

Interpretation

2. In these regulations,

- (a) "Act" means the Excise Act;
- (b) "beer" or "malt liquor" means all fermented liquor brewed wholly or partly from malt, grain or any saccharine matter without any process of distillation, and includes lager, ale, porter, stout and other fermented liquors;
- (c) "brewer" means any person who conducts, works, occupies or carries on any brewery either by himself or by an agent;
- (d) "brewery premises" means the premises shown and described on the plans and specifications submitted with the application for a licence for brewing;
- (e) "brewing" means the manufacture from malt, wholly or partly, or from any substitute for malt, of fermented liquors of any nature or description for sale;
- (f) "collector" means every officer of Customs and Excise appointed to collect excise duties in any district or excise division;
- (g) "Department" means the Department of National Revenue, Customs and Excise Division, Ottawa;
- (h) "gallon" wherever used in these regulations in relation to any fermented liquor means the liquid measure Imperial gallon which contains 277.42 cubic inches;
- (i) "Minister" means the Minister of National Revenue; and
- (j) "Plato test" means a test employed for the determination of the apparent extract value of beer, used in conjunction with the tables known as the Plato Extract Tables that relate to brewery wort solids, and are for evaluating the strength of brewery worts and apparent extract of beers in terms of extract per cent at 20° C., or 68° F., the extracts being referred to as "per cent Plato".

Licensing

3. (1) Applications for licence shall be made to the collector on Form L.1, in triplicate, and shall be accompanied by,

- (a) Complete plans and specifications in triplicate;
- (b) Form E.110 in triplicate;
- (c) Form E.111 in triplicate; and
- (d) Form E.114 in duplicate.

- (2) Separate Forms E.110 and, where applicable, E.111, shall accompany each sheet of sectional plans.

4. Application for transfer of licence from one premises to another within the same port, shall be made as prescribed by section 3, except that application Form L.10, in triplicate, shall be used; in such cases a new bond shall be furnished.

Excise Act—continued

5. Application for renewal of licence, where no changes have been made in the licensed premises, shall be submitted on Form L.16 in triplicate.

6. Where any material changes have been made in the licensed premises, supplementary plans, in triplicate, accompanied by Form E.146, also in triplicate, shall be submitted when the changes are completed; the licensee shall notify the collector, in writing, of the proposed alterations at least one week in advance in accordance with provisions of the Act; where the original plans were submitted in sectional form, replacing and additional sheets shall be submitted in lieu of supplementary plans, and shall be accompanied by Form E.146, also separate Forms E.110 and, where applicable, Form E.111 for each new sheet.

7. Plans and specifications shall bear the same date as all accompanying forms and shall be signed by the applicant or his duly authorized agent, whose official title shall be stated.

8. Plans of premises to be licensed shall be drawn to scale on tracing cloth in ink, or on certified blueprints.

9. The collector shall forward all applications to the District Inspector of Excise Duty for examination and approval, who shall, upon approval, submit them to the Department for authorization.

10. The collector shall not issue a licence until

- (a) authorization to do so has been received from the Deputy Minister;
- (b) the requisite bond in the form prescribed by the Department has been deposited with him; and
- (c) the licence fee has been paid.

11. The collector, after endorsing the application, shall forward one copy to the Department, one to the licensee, and retain one for filing; the copy returned to the licensee shall be that to which no Form E.114 is attached.

12. The licensee shall provide scales, weights and other necessary appliances to enable the excise officer to take account of, or check by weight, gauge or measure, all materials and liquids used or produced in brewing, and shall furnish the officer with all necessary assistance and equipment.

13. All utensils used in the manufacture of beer, such as malt and cereal storage bins, malt and cereal hoppers, water storage tanks, cookers, mash tubs, kettles, wort receivers, hop jacks, coolers, collecting and fermenting vessels, beer storage tanks, vats, rooms, pieces of equipment or other vessels used to do anything for which a licence is required, or that are used to contain any commodity subject to excise supervision, shall have written, stamped or printed thereon in white characters, at least two inches in height, on a black ground, the serial number, the name or designation of the room, vessel or utensil and, where required, the capacity thereof shall be stated in gallons and shall be so located and fixed that the excise officer may readily obtain the information required in accordance with the provisions of the Act.

General

14. Normal hours of supervision by excise officers are as follows (Excise Act, section 29):

- (1) Except for the necessary continuance of some process previously commenced in the ordinary course of business, no person

Excise Act—continued

licensed under this Act shall during Sunday, in the premises mentioned or referred to in the licence held by him, transact any business, or perform any act, operation or process of manufacture which, under any regulation then in force, requires the supervision or attendance of an officer.

(2) Except under authority of the collector and in the presence of an officer of excise,

(a) no act, operation or process for the supervision of which the presence of an officer is required by a departmental regulation shall be done or carried on in any licensed premises; and

(b) no goods subject to excise shall be removed from any licensed premises;

between the hours of five o'clock in the afternoon and eight o'clock the following morning.

(3) Whenever any business, act, operation or process, for the supervision of which the presence of an officer is required by any regulation then in force, is carried on or done in any premises licensed under this Act, before eight o'clock in the forenoon, during the dinner hour, or after five o'clock in the afternoon, or upon a holiday at any hour, the person in whose premises the business, act, operation or process is carried on or done, shall pay the collector for the attendance of the officer or officers during the extra time they are so employed, at such rate as is determined by departmental regulations in that behalf.

15. The business day, for the purpose of recording the cycle of operations in effect throughout the brewery, means the calendar day and is applicable to all records concerning the operations of the brewery required to be kept in the books provided by the Department in such form and manner as are prescribed by these regulations.

16. All transactions commencing on April 1 and ending at midnight on March 31 shall be deemed to come within the period of the fiscal year for the purpose of these regulations.

Office Accommodation

17. The licensee shall supply suitable office accommodation for the exclusive use of the excise staff and such accommodation shall be separate and distinct from the licensee's executive offices.

18. Office accommodation so provided shall be heated, lighted and equipped with office furniture and facilities to the satisfaction of the Department and shall be maintained in a clean and sanitary condition, the total cost thereof to be borne by the licensee.

Labels

19. (1) All body labels used for bottling beer shall include the name and address of the licensed brewer who bottles or assumes responsibility for the bottling.

(2) When the bottling is done for a person, firm or corporation in Canada other than the brewer, the name and address to be shown on the

Excise Act—continued

label may be that of such person, firm or corporation, or the name of a person, firm or corporation in or outside of Canada, with the address of the brewer in Canada.

20. Labels need not be submitted for Departmental approval except those showing the name and address of persons, firms or corporations other than the licensed brewer, which shall be submitted to the Department for approval as to form and wording.

21. Pencil sketches, drawings or blue prints of labels drawn to scale or actual size photographic copies of labels may be submitted in duplicate to the Department for tentative approval before expense is incurred for printing or lithographing, but formal approval of the finished label will be given only upon three specimen copies being submitted; collectors will be furnished by the Department with specimens of all approved labels.

22. Casks or barrels used for delivering beer shall have affixed, indented, cut, branded or painted in oil colours on one head, the particulars of identification authorized for labels on bottled beer.

Gauging and Recording Capacities of Vessels

23. The excise officer and the brewmaster or his accredited representative, is responsible for the proper gauging of all of the vessels as required.

24. Excise officers charged with the supervision of brewery operations shall be furnished by the Department with a steel tape measure which shall be held and used exclusively for measuring vessels in the brewery for which it was issued.

25. The number of gallons per lineal inch of height of fermenting tuns shall be accurately ascertained to enable gauges to be readily taken to determine the quantity of beer produced; if desired, a liquid meter may be used for the purpose of verifying the computations.

26. The measuring of vessels in which the quantity of beer is to be determined for duty assessment, shall be done by two excise officers in the presence of a brewer's representative; the computations resulting from the measurements taken shall be checked and verified by a third excise officer or the collector, and the brewmaster.

27. Fermenting vessels in which the quantity of beer is to be determined by dip for duty assessment shall be permanently marked at the position where the original gauge was made to determine the number of gallons per lineal inch; all dipping shall be done at this point which shall be known as the "dipping point"; where a tank is tilted and it is not convenient to establish a dipping point half way between the high and low points of the bottom of the tank, an adjustment shall be made to offset the effect of the tilt at the dipping point and full particulars of such adjustment shall be shown on the Fermenting Tun Tables.

28. The marking prescribed by section 27 shall be made by the brewer, under the direction of the excise officer and subject to approval by the District Inspector of Excise Duty, in such manner that it shall remain permanently on the vessel.

Excise Act—continued

29. A set of tables showing the dimensions and gallons per inch for each fermenting tun shall be prepared by the brewer, in triplicate, and copies thereof shall be held as follows:

- (a) by the collector;
- (b) with the Brewer's Daily Record;
- (c) with the Officer's Record of Brews.

30. Wooden fermenting tuns shall be re-measured at least once in each year and, where the measurements do not agree with the previous dimensions, the vessel shall be re-gauged and new computations completed: the re-measuring date shall be shown on the affected fermenting tun table sheet and signed by the officers who did the re-measuring.

Notices

31. Brewers shall give notice of their intention to,

- (a) bring malt and other brewing materials into, or remove them from, the brewery;
- (b) commence brewing operations;
- (c) commence mashing;
- (d) collect brews in the settling or fermenting vessels;
- (e) remove brews from the settling to fermenting vessel or from one fermenting vessel to another;
- (f) mix brews in any form prior to the completion of fermentation;
- (g) remove beer to storage;
- (h) add gallonage to beer after assessment for duty;
- (i) add water to make light beer;
- (j) ship for export, ships' stores, or to United States Leased Bases;
- (k) perform any other operation which, in the opinion of the collector or inspector, requires notice.

32. The notices prescribed by section 31 shall be entered in the Brewer's Notice Book not less than twenty-four hours before the operation is commenced.

33. The serial numbers of the brews and tuns affected shall be stated, together with the date and hour when the operation or act is expected to commence.

34. The notices may be amended for cause with the knowledge and consent of the excise officer, who shall make a suitable notation in the Brewer's Notice Book.

Materials Used in the Manufacture of Beer

35. There shall be recorded in the Brewer's Daily Record a proper accounting of all brewing materials, including hops, brought in, removed from, and used for brewing, showing balances of the quantities and kinds of material on hand on the first day of each month, the purchases made and quantities used for brewing or otherwise disposed of during the month, and the balances to be carried forward to the succeeding month.

36. Purchase invoices for brewing materials received on the brewery premises shall be retained for checking and examination by the excise officer at any time within the succeeding three years; the excise officer shall make a periodical examination of the purchase invoices to ensure that accurate accounts are maintained.

Excise Act—continued

37. The excise officer shall check the quantities of materials, the number of brews, and the location of each brew, with the Brewer's Daily Record and the Brewer's Notice Book; where any brewing materials are brought into, or removed from, the brewery, or any brews are made or moved in the fermenting cellar, and notice thereof has not previously been given in the Brewer's Notice Book as required, the officer shall immediately report the circumstances to the collector and district inspector.

Production Operations

38. The excise officer shall identify and account for all brews in process; he shall check all brews and fermenters in all fermenting rooms each working day and record the check on Form T-280 revised to suit or in a book designed for this purpose and approved by the district inspector; these records shall be held for inspection purposes.

39. Brews shall be consecutively numbered commencing with number (1) on the first day of April in each year.

40. A card showing,

- (a) the type of brew (ale, lager, porter, stout, etc.);
- (b) the date of brewing;
- (c) the serial number of brew, or brews in case of mixed brews; and
- (d) the fermenter number;

shall be placed on the fermenting vessel by the licensee, or this information may be displayed in the fermenting cellar in such manner as is approved by the district inspector.

41. Where a brew is divided and contained in two or more fermenting tuns, cards shall be made for each tun, stating the date of brew and other particulars, and indicating

"Part of Brew No."

42. The brewer shall take a Plato or Balling test of each brew and a dip or gauge reading of the wort as soon as it is placed in the fermenting room, and these tests and dips shall be recorded in the Brewer's Daily Record on the day they are made.

43. The brewer shall take a Plato or Balling test of each brew at the time the officer is taking the dip required for arriving at the quantity of beer produced; both the brewer and the officer shall witness these operations.

44. The brewer shall enter in the column provided in the Brewer's Daily Record the result of this test to the nearest one-tenth of a degree; this information shall also be entered in the Officer's Record of Brews.

45. Any unaccountable variation observed by the officer in the test that is greater than one degree in similar brews shall be brought by him to the attention of the collector and district inspector.

46. The average quantity of materials, excluding hops, used to produce one gallon of beer shall be entered in the Brewer's Daily Record at the close of each month.

47. Except where a gauge tube is used on the fermenter, the dip for assessment for duty shall be taken at all times at a designated point marked

Excise Act—continued

on each fermenting vessel in the manner prescribed by section 27, and shall be taken as a “dry dip”, that is, the inches on the dip rod shall be read from the top edge of the fermenter to the level of the liquid.

48. Official dip rods supplied by the Department shall be used and shall be held in the possession of the excise officer at all times; when not in use, the sectional rod shall be kept in a place where it is not subject to direct sunlight, and at a fairly even temperature; the brewmaster may clean or sterilize the dip rods to his satisfaction.

49. To determine the quantity of beer produced, a gauge reading (on closed fermenters) or dip shall be taken by the officer to the nearest tenth of an inch before the beer is transferred from the fermenting vessel to the storage vat; the quantity of beer assessed for duty shall be computed to the nearest even lower gallon; this gauge reading, or dip, may be taken at any time between the recording of the notice, “To Remove Beer to Storage” and the expiry of the notice.

50. The excise officer, immediately the dip and test are completed, shall enter in the Officer’s Pocket Record of Beer Dips, Form T.209, the dry dip inches and Balling or Plato reading, together with other information as is required by Form T.209.

51. Any unaccountable variations observed by the excise officer in the produced gallonage in brews which have used similar quantities of materials shall be reported by him to the collector and district inspector.

52. The quantity of produced beer determined shall be recorded in the Brewer’s Daily Record and the Officer’s Record of Brews.

53. An allowance or remission is authorized to compensate for loss in production and shall be shown and accounted for on each entry for duty ex-factory; the following percentages shall be based on the excise duty assessed on beer produced:

- (a) five per cent when yeast sediment is included, or
- (b) three per cent when yeast sediment is not included.

No allowance shall be given on any added material that would increase beer gallonage after the beer has been assessed for duty.

54. (1) An Entry for Duty Ex-Factory, Form B.50, shall be computed daily by the brewer for the quantity of beer produced, using separate entries for categories (a) and (b) of section 53.

(2) Duty, as indicated by accumulated entry papers for previous days, shall be paid to the collector on the first day of business in each week and on the first day of business following the close of each month.

(3) Each daily entry shall be given a separate port entry number on the date the duty is paid.

(4) Duty paid on entries completing the month’s business shall be accounted for in the month when paid, but the beer gallonage shown on these entries shall be accounted for in all records and returns of the month during which the beer was produced.

55. Each entry will show,

- (a) the brew number or numbers, fermenter number, dry or wet dip inches and the respective gallons for each gauging;
- (b) the total gallonage, rate, and extended amount of duty;
- (c) less— . . . per cent of duty for remission; and
- (d) the balance of excise duty payable;

Excise Act—continued

and shall be signed on the face by the excise officer at the brewery, as an indication that he has verified the dip inches and gallons.

56. A record of the beer entered for duty ex-factory shall be maintained for each brewery in the port office.

57. A copy of the Entry for Duty Ex-Factory numbered and stamped by the port office, shall be returned to the excise officer for recording the number in the Brewer's Daily Record and Officer's Record of Brews, and retained at the brewery for inspection.

58. Where any material that would increase gallonage, including water, is to be added to beer, after assessment for duty is made, notice of such addition shall be given in the notice book, and the excise officer shall compute the number of gallons added; the added gallons shall be charged for duty in the same manner as the original brews, except for water added in the production of light beer.

59. It is unlawful for a brewer to remove beer from the fermenting vessel to storage until such time as the final gauge or dip has been taken by the excise officer and proper accounting has been made thereof, or to add any gallonage to beer already assessed for duty until the number of gallons to be added has been determined by the excise officer.

60. A brewer may, if desired, add a notation in the Brewer's Daily Record at the close of the month's business showing the number of gallons of beer produced and upon which excise duty has been paid; this quantity shall be determined by dividing the amount of duty paid during the month by the current rate specified in the Act.

61. (1) Two regular large samples, or the equivalent in smaller containers, of each type of beer that is being bottled and also being barrelled shall be taken by and at the discretion of the excise officer at least once each month, and one sample shall be forwarded to the Chief Customs and Excise Chemical Laboratory, Ottawa, for determination of original gravity; the bottles shall be labelled, Form E.108A being used, showing,

- (a) the date the sample was taken ;
- (b) the name and address of brewer;
- (c) the brew number or numbers; and
- (d) the original gravity. (see section 42)

(2) The duplicate sample shall be held by the collector for at least three months, after which it may be destroyed.

62. A notation shall be made in the Officer's Record of Brews at the close of the month's business showing the date the samples were taken and sent as required by section 61.

Light or Near Beer

63. Regular marketable beer that would be saleable through a Liquor Commission or Board and upon which assessment for duty has been made may be reduced with water under the supervision of an officer for the production of light or near beer for sale as such; the officer shall determine the quantity of water added and shall record the gallonage as a memo in the Record of Brews.

64. The reduced beer shall conform in alcoholic strength to the requirement of the Food and Drug Regulations for light beer, that is, it shall contain not more than two per cent of absolute alcohol by weight.

Excise Act—continued

65. The gallonage of water added to reduce the beer is not subject to duty.

66. The excise officer shall take two regular large samples, or the equivalent in smaller containers, of the reduced beer; one shall be forwarded to the Department for determination of the alcoholic content and the other held by the collector until the result of analysis is received; Label Form E.108A shall be used, showing,

- (a) the type—"light beer";
- (b) a serial number beginning with No. 1 in each fiscal year, and
- (c) the name and address of the brewer.

67. The sample shall be addressed to the Chief, Customs and Excise Chemical Laboratory, Ottawa, and the Department shall be notified of its despatch.

68. The brewer shall be advised of the result of analysis and, if the alcoholic strength exceeds that for light beer, the added gallons shall be charged for duty in the same manner as the original brew.

69. No refund shall be allowed on the exportation or destruction of light beer.

Krausening

70. The excise officer shall be present and shall measure beer taken for krausening in the fermenting room.

71. The date, quantity of beer removed from fermenting tun for krausening purposes, and the serial number of the brew to which the krausening beer is added, shall be noted on the card on the fermenting tun.

72. An entry shall be made in the Brewer's Daily Record showing the brew number affected, the number of the fermenter to which the beer is added for krausening purposes, and the number of gallons so taken; a record of this transaction shall also be made in the Officer's Record of Brews.

73. Beer taken to storage for krausening shall be gauged and treated as beer produced.

Drawback on Delivery for Export and Ships' Stores

74. A brewer delivering beer for export, ships' stores, or to United States Leased Bases listed in the Instructions to Port Officers, No. E.10 (Revised), may receive a drawback equivalent to the excise duty collected upon the beer so delivered.

75. Brewers intending to make claim for drawback of duty collected upon beer to be exported or used for ships' stores shall pass "For-Warehouse" and "Ex-Warehouse for Export" entries on Forms B.51 and B.54 or B.55 respectively; these entries shall be considered as memo entries for which no export bond, Form D.57, will be required, and will be entered in the excise duty cash book.

Excise Act—continued

76. When the exportation has been effected in the manner set forth in the Warehousing Regulations, Circular No. 327-C, the declaration, on Form N.6 Revised, shall be made and sworn to by the brewer claiming the drawback.

77. Claim for Drawback, on Form N.6 Revised, shall be accompanied by one copy of the Ex-Warehouse Entry, Forms B.54 or B.55 as the case may be, with the certificates on the entry paper properly completed.

78. A Claim for Drawback will not be accepted unless presented to the Department within three years following the date of delivery for export or ships' stores.

79. The procedure prescribed by sections 75 to 78 applies to shipments to United States Leased Bases except that the certificates on the reverse side of Form B.54 will not be completed but, in lieu thereof a receipt in duplicate, to appear on the face of the form, shall be obtained by the collector from the commanding or other responsible officer for the quantity of goods received.

80. The receipt to be obtained will be as follows:

"Received from the Collector of Customs and Excise
cases of beer for use by United States personnel at"

81. The customs-excise officer who obtains the receipt will also sign the form and have the port stamp affixed as evidence of proper signature.

82. The beer shall be shipped on an order bill of lading to the collector in whose port the United States base is located, to ensure that a receipt for the goods is obtained.

Refunds on Destruction

83. Beer that is unfit for use may be destroyed on the brewery premises and application may be made for refund of the duty paid thereon; the following requirements are to be observed:

- (a) the quantity shall be determined by two officers;
- (b) samples representing each lot so destroyed shall be taken by the officers and held by the collector until the claim has been completed, and a Plato or Balling test of each lot destroyed shall be taken by the brewer in the presence of the officers; the results of the tests shall be recorded in the Record of Brews;
- (c) the beer shall be destroyed,
 - (i) by pouring it down a sewer, or
 - (ii) by denaturing it to the satisfaction of the Department, in either case in the presence of the two excise officers who determined the quantity.

84. No refund shall be paid upon beer that has been removed from brewery premises, although it may have been returned thereto.

85. A Claim for Refund, on Form No. 20 Revised, in duplicate, containing the officers' certificate and brewer's sworn statement, shall be made by the licensee and forwarded to the Department by the collector.

Excise Act—continued

Capacity of Containers for Drawback and Refund Purposes

86. For the purpose of claiming drawback or refund of the duty paid on the beer, the capacity of beer containers shall be calculated as follows:

<i>Bottles</i>	<i>Gallons per dozen</i>
Vichy quarts	2.35
Regular large	1.65
Regular small .....	.90
11-oz. ....	.82
Reputed pints .....	.75
Splits or nips .....	.55
<i>Barrels or Kegs</i>	<i>Gallons</i>
Hogshead	54
Barrel	25
$\frac{1}{2}$ barrel	$12\frac{1}{2}$
$\frac{1}{4}$ barrel	$6\frac{1}{4}$
$\frac{1}{8}$ barrel	$3\frac{1}{8}$

87. The capacity of beer containers not included in section 86 will be determined by the Department, and for this purpose six filled bottles of each type shall be forwarded to the Chief, Customs-Excise Chemical Laboratory, Ottawa, the Department being notified of its despatch.

88. The excise officer shall ensure that the sizes of the containers, as stated on the claims, are as represented.

Returns

89. On or before the third working day of each month every licensed brewer shall prepare and deliver to the excise officer in charge a monthly return on Form K.55, in triplicate, which shall be separate and distinct for each month and shall relate to the month last preceding the date of making such return.

90. In completing the monthly return, details of the accounts shall be provided as required on the form.

91. Returns shall be signed, without exception, by
- (a) a duly authorized official of the company, or
 - (b) a person holding a power of attorney duly authorized by the company and registered with the collector, either on Form E.65 or E.66, and by the brewmaster.

92. The name of the licensee and the status of the person signing the returns shall be stated on the declaration.

93. The oath taken by the person or persons signing the return shall be made before, and administered by, an excise officer duly authorized under the provisions of the Act.

94. Returns, after being sworn to by both the licensee and the brewmaster, shall be verified and signed by the excise officer in charge, who shall then forward all three copies to the collector.

95. The collector, upon verifying and signing the returns, shall retain one copy, forward one to the District Inspector of Excise Duty, and the original to the Department.

Excise Act—continued*Accounting Records*

96. The following records shall be kept,

(a) *by the licensee*

Brewer's Notice Book, T.237

Brewer's Daily Record, T.238

(b) *by the excise officer*

Record of Brews, T.236

Pocket Record of Beer Dips, T.209

Identification of Brews, T.280.

97. There shall be recorded in the books to be kept by the licensee all the information required by the books and regulations relating to such books.

98. Entries shall be made in the Brewer's Daily Record by the licensee, on the day the transactions take place.

99. No erasure shall be made in any book required to be kept by any brewer, nor shall any leaves, or part of a leaf or leaves, be removed therefrom; and any obliteration of words or figures by any means whatever, except by ruling through the same with ink in such a manner that they remain legible, shall be deemed to be an erasure.

5. Warehousing Regulations

P.C. 1954-1024

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 6th day of July, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to section 125 of the Excise Act, is pleased to order as follows:

1. The General Warehousing Regulations governing Goods liable to duties of Excise, established by Order in Council P.C. 4568 of 13th September, 1949, as amended, are hereby revoked; and

2. The annexed regulations entitled "The Warehousing Regulations" are hereby made and established in substitution for the regulations hereby revoked.

THE WAREHOUSING REGULATIONS*Application for Licence*

1. Application for an Excise Bonding Warehouse licence shall be made in triplicate on Form L.1, and be accompanied by plans and specifications, also in triplicate, together with Form E.114 in duplicate.

2. Application for transfer of licence from one premises to another shall be similarly dealt with, except that application Form L.10 shall be used.

Excise Act—continued

3. In making application for renewal of licence where no changes have been made in the licensed premises, Form L.16 only, in triplicate, is required.

4. When any changes have been made in the licensed premises supplementary plans, in triplicate, accompanied by Form E.146, shall be submitted.

5. Plans and specifications shall bear the same date as all accompanying forms and shall be signed by the applicant or his duly authorized agent.

6. The collector shall forward all applications to the District Inspector of Excise Duty for examination and approval, and the District Inspector shall, upon approval, submit them to the Minister for authorization.

7. The collector shall not issue a licence until authorization has been received from the Deputy Minister, the requisite bond deposited with him and the licence fee paid.

Construction and Security of Excise Bonding Warehouses

8. The door of every bonding warehouse shall be provided with two locks; one shall be supplied to the collector by the Department upon requisition, and the key shall be kept by the collector; the other shall be provided by the owner of the goods who shall retain the key; should there be more doors than one, all other doors and all windows and other means of ingress, shall be fastened on the inside in a secure manner to the satisfaction of the surveying officer.

9. When a bonding warehouse forms part of a floor of a building, a partition shall be constructed separating the warehouse from the other section of the floor.

10. When wire screening is used, the wire shall not be smaller than No. 9 gauge and the mesh shall not be greater than two inches in diameter; the screening shall be securely fastened at top, bottom and sides.

11. When constructed of wooden slats, which shall not be more than two inches apart, they shall be nailed on the inside to substantial horizontal supports with cross-slats running the entire length of the partition on the outside and placed so that the ends of the upright slats may be secured by nails which shall be driven through the upright and cross-slats and clinched on the inside.

12. These partitions shall be built on a solid base at least four feet in height, and when such base is of wood, the boards shall be tongued and grooved.

13. All construction of the warehouse shall be to the satisfaction of the surveying officer.

14. When a warehouse has been surveyed and accepted as an Excise bonding warehouse and licensed as such, it shall be designated by a letter of the alphabet; bonding warehouses operated in connection with a licensed manufactory shall be designated by a number.

15. Over the principal entrance to every warehouse approved for Excise purposes there shall be placed the following designation:

Excise Act—continued

CANADIAN GOVERNMENT

Excise**BONDING WAREHOUSE**

with its designating letter or number, the whole being in legible characters, painted in oil colours and not less than three inches in height.

Marks and Numbers

16. (1) Every barrel, keg or drum of spirits entered for warehouse shall be distinctly marked to the satisfaction of the collector; packages shall have on one head either the name and address of the licensee or his registered number and the number of the port in which the licensed premises are situated, and, on the other head,

- (a) the number of the entry,
- (b) the date of the original warehouse,
- (c) the gross, tare and net (in pounds),
- (d) the number of standard gallons,
- (e) the strength in proof spirits, and
- (f) the number of the package.

(2) The marks and numbers shall be written or stencilled on the packages in oil paint; the date will be sufficiently indicated by the number of the month and the last two numerals of the year in which the entry was made, thus—goods entered on the 20th January, 1954, may be dated 1-54, showing that the entry was made in the first month of the calendar year 1954.

Stowage of Packages

17. All goods in any warehouse, except cigars and manufactured tobacco, shall be stowed or arranged so that casks, boxes or packages, contained or described in one entry are placed consecutively and together in separate lots as provided by law; cigars and manufactured tobacco shall be stowed or arranged in lots according to the denomination of the packages; the packages shall be stowed or arranged in such a manner that ample space will be left so that each package and the marks and numbers thereon can be examined; when these requirements are not complied with, collectors may refuse further entries for warehouse until the goods are re-arranged to the satisfaction of the surveying officer.

Warehousing and Entries

18. All entries shall be numbered consecutively.

19. No entry shall be passed for warehouse or ex-warehouse upon any authorized holiday, nor before the hour of 9:00 a.m., nor after 4:30 p.m.

20. All entry papers, bonds, notices and other documents herein required shall be completed and signed by the owner of the goods to which they relate, or in his name by his duly authorized attorney, and all packages shall be marked and numbered as herein required by the owner or his agent.

Excise Act—continued

21. Entry of goods for warehouse shall in all cases be made on the form authorized by the Minister, (Form B.51), and every entry shall contain a full and complete specification of the goods so entered, stating,

- (a) the number and description of packages;
- (b) marks and numbers;
- (c) contents, in pounds, gallons or number; and in the case of spirits, the contents shall also be stated in gallons of the strength of proof; and
- (d) the duty on the goods entered for warehouse.

22. Every cask, barrel or package containing goods shall be whole and entire at the time it is warehoused or ex-warehoused.

23. Every warehouse entry shall be in duplicate.

24. The least quantities of spirits which may be warehoused or ex-warehoused for consumption by one entry are as follows:

(a) For Warehouse:

(i) One case.

NOTE: A jug or demijohn, if not less than one Imperial gallon content, containing spirits which have been bottled in bond may be treated for purposes hereof as one case.

(ii) Five standard gallons in complete packages.

(b) For Ex-Warehouse:

(i) One case.

(ii) Five standard gallons. In no case shall any spirits be ex-warehoused except in complete packages.

NOTE: Barrels and cases may not be ex-warehoused on the same entry.

Ex-Warehousing for Exportation in Bond

25. Entry of goods ex-warehouse for export shall be made in quadruplicate on the form authorized by the Minister, (B.54, Entry for Export Ex-Warehouse) and shall contain an exact specification of the goods intended for exportation, (*see* section 21); with every entry an export bond shall be taken in the prescribed form.

26. Goods subject to duties of excise shall be exported in bond only from a port where there is an officer of customs and only to British or foreign ports of entry where there are collectors or other officers of the Government having similar functions, and when ex-warehoused for export they may be in such quantity as the exporter or manufacturer respectively may require, within the discretion of the collector, but not less than the contents of one whole package.

27. Where the port at which the goods are entered for export ex-warehouse is not the port of exit, the collector shall mail promptly two copies of the Entry for Export Ex-warehouse, Form B.54, to the collector at the port of exit where such goods are shipped for export.

28. When the goods have been duly laden, the collector shall certify the fact on the Ex-Warehouse for Export Entry, B.54; one copy shall be filed in the port office and the other, together with one copy of Customs Export Entry, B.13, shall be returned to the collector of the port from where the goods were shipped.

Excise Act—continued

29. Export Ex-Warehouse Entries, B.54, shall have recorded thereon the following particulars:

- (a) the date when the goods were exported,
- (b) the name of railway or vessel by which the goods were exported and, if by railway, the initials and number of the car in which exported,
- (c) the quantity and description of goods so exported, and
- (d) the number of Customs Export Entry (B.13) upon which the goods were exported.

30. The collector shall in each case ensure that the goods are placed on board the ship, car or other vehicle in which they are to be exported, and shall satisfy himself that they correspond to the description contained in the entry, and in respect of spirits, that they are of the strength specified.

31. Where any shortage whatsoever occurs in goods forwarded ex-warehouse for export and the same is not accounted for to the Department by export on Customs Export Entry Form B.13, the collector at the frontier port where the goods were short received shall notify the collector of the port from which such goods were shipped for export, on Form E.112, who shall require the consignor to pass entry and pay the lawful duty payable upon the goods short delivered at the frontier port.

Export Certificate

32. Except where otherwise provided by these regulations, the following certificate shall be affixed by the Customs-Excise Officer on the face of the B.54 entry forwarded to the Department:

"I, do hereby certify that I have examined all of the packages numbered to of the goods referred to in this entry and that I find the contents as herein represented."

Export Bonds

33. Export bonds, Form D.57, for double the amount of excise duty shall be conditioned for the due delivery of the bonded goods at the place designated in the entry within a specified time, which time in any case shall not exceed the time usually necessary for the performance of the voyage or journey by the conveyance adopted (allowing a reasonable time for detention within the discretion of the collector) and for returning the vouchers by the next mail; and in no case shall the period allowed for the cancellation of the export bond exceed six months unless special authority has been granted by the Minister.

34. Export bonds covering Canadian Leaf or Foreign Leaf Tobacco upon which customs duty has been paid (viz: Free Leaf), may be cancelled by collectors without reference to the Department upon production of Customs Export Entry, Form B.13, together with the certificate of the collector at the port of exit, as required by section 29.

35. Packages containing manufactured tobacco, cigars or cigarettes, packed in original legal packages, may be exported in bond, by post, by licensed manufacturers, provided entries required by these regulations are passed, and that a Customs-Excise officer accompanies the packages to the post office and obtains a receipt for such packages from the postmaster, such receipt to be delivered to the collector and accepted by him as a cancellation of the export bond without reference to the Department.

Excise Act—continued

36. Export bonds covering all other goods subject to duties of excise shall be cancelled only after Departmental authority has been obtained by letter in each instance; a copy of Form B.54, Entry for Export Ex-Warehouse, properly executed, shall, upon receipt, be forwarded by the collector at the port of entry ex-warehouse to the Department.

37. In addition to the provisions of sections 34 and 35, the Department may, as a basis for authorizing cancellation of export bonds, accept as evidence of exportation from Canada,

- (a) The duly authenticated landing certificate from the place to which the goods were exported of—
 - (i) a principal officer of Customs, or
 - (ii) a British or Canadian Trade Commissioner, or
 - (iii) a British or Canadian Consul,
 establishing that the goods have been landed and duly delivered over to the customs at some place (naming it) out of Canada, as provided by the said bonds, or
- (b) The landing certificate as described in paragraph (a), bearing the impression of the official customs seal of an officer of customs at the point of entry in the United States, or
- (c) A Continuous Customs Custody Certificate from the United States Customs, or
- (d) Documentary evidence satisfactory to the Deputy Minister showing that the goods have left Canada and have not been relanded in Canada or, if relanded, that the proper entry has been made at customs, or
- (e) When goods are exported via an ocean going vessel clearing for the high seas and *bona fide* destined to a foreign country without intermediate call at any Canadian port,
 - (i) The certificate, in duplicate, of a Canadian Customs-Excise officer establishing that the goods were delivered on board the vessel, which certificate shall be as follows:

“I Customs-Excise officer, do hereby certify that the goods herein mentioned were checked and laden on board the S.S. at the Port of on the day of, 19....

Signature of Customs-Excise Officer,”

and either

- (ii) A certified copy of the Ocean Bill of Lading covering the goods, or
- (iii) A receipt, in duplicate, from the master or other duly authorized officer of the vessel, as provided for on the reverse side of Form B.54.

38. A report, on Form G.67, Quarterly Return of Export Bonds Remaining Uncancelled in the Hands of the Collector of Customs and Excise, shall be submitted at the end of each quarter.

Ex-Warehousing Removal in Bond

39. Entries for goods for removal ex-warehouse, Form B.53, shall be made in quadruplicate with detailed specifications as in export entries, two copies of which, together with the Order Bill of Lading, shall be forwarded to the collector of the port to which the goods are consigned.

Excise Act—continued

40. The least quantity of such goods which may be ex-warehoused for removal or transfer in bond shall be that quantity which can, at the receiving point, be legally warehoused as prescribed by law.

41. Goods may be entered for removal ex-warehouse only to another licensed warehouse within the limits of a warehousing port or to an excise bonding warehouse licensed in another port.

42. Removal bonds, Form D.56 (Revised), for treble the amount of excise duty shall be conditioned for the due delivery of the goods as in the case of export bonds. (*see section 33.*)

43. When exciseable goods for removal are consigned to the order of the collector of the port to which they are to be removed, removal bond, Form D.56 (Revised), shall be used; such removal bond shall be duly signed by the person or persons entering the goods, subject to the following conditions:

- (a) Permits for the removal of spirits are required by the Excise Act and such permits shall, in all cases, show that the goods to which they refer are to be so consigned;
- (b) The requisition for a permit to remove spirits under paragraph (a) shall, in every case, show that the goods are to be delivered into the possession of the collector of the port to which they are to be removed; across the face of the requisition shall be written the name of the party to whom (subject to the order of the collector) the consignor desires the goods to be delivered;
- (c) The receipt given by the agent of the railway company (or other public carrier), usually known as the bill of lading, shall be made in the same manner and shall be placed in the hands of the collector of the port from where the goods are to be shipped, and by him transmitted to the collector of the port to which they are to be removed, and
- (d) The collector, upon being advised of their arrival, shall immediately notify the party to whom they are consigned and shall write across the face of the Order Bill of Lading before releasing same, the following:—

“Deliver to upon payment of
freight and other charges.

.....
Collector”

NOTE: Collectors will note that all orders for the delivery of goods must be made expressly and in writing, “subject to the payment of freight and charges”, or they may, by the omission to specify such conditions, render themselves personally liable to the company for such payment in the event of default.

44. When goods are removed in bond and not consigned to the order of the collector a removal bond shall be given with sureties acceptable to the collector.

45. Collectors shall, on arrival of the goods, examine them and ascertain whether they correspond to the removal entry and, as soon as the goods are placed in warehouse and a warehouse entry passed, shall certify to the fact on the removal entry and return it to the collector of the port from which the goods were shipped.

Excise Act—continued

46. Removal bonds may be cancelled only upon receipt of the removal entry bearing the certificate of the collector of the port to which the goods were consigned that they have been received and re-warehoused.

Ex-Warehousing for Consumption

47. Entry of goods ex-warehouse for consumption shall be made in duplicate on the prescribed form, (B.52), and every entry shall contain a full specification of the goods as in the case of an export or removal entry.

48. On receipt of the duty accruing on the goods entered, the collector shall sign the Excise Delivery Order, (C.53), for the delivery of the goods, and the officer in charge of the warehouse shall, before making delivery, identify every package with the description contained in the delivery order.

Tobacco and Cigars

49. In addition to these regulations, the warehousing and ex-warehousing of tobacco and cigars shall be further governed by the terms of the Regulations Governing Tobacco and Cigars established under the authority of the Excise Act.

Return of Exciseable Goods That Have Been Exported

50. Exciseable goods manufactured or produced in Canada, exported in bond and brought back into Canada in the same condition as when exported and in the original packages, may be entered free of excise duty upon authority of the Deputy Minister, provided that,

- (a) the goods continue to be the property of the same person or persons by whom they are exported;
- (b) such return takes place within five years of the date of export;
- (c) the identity of the said goods be established to the satisfaction of the Department;
- (d) all other regulations which may be prescribed in regard to such importation be complied with;
- (e) such goods, on return, be warehoused subject to the excise duties to which they would have been liable had they not been exported; and
- (f) spirits in barrels, kegs or drums shall not be permitted return under this section unless they have remained continuously in bond in the country to which exported.

Officers Services

51. Every person to whom a licence for an Excise Bonding Warehouse is granted shall pay to the collector, in addition to the licence fee prescribed by the Excise Act, a sum sufficient to cover the expenses incurred by the Department for effective supervision; the supervision fee shall be at the rate of \$1.50 per hour; no visit shall constitute less than one hour, fractions of an hour being counted as whole hours.

52. The service charges are payable at the end of each month and shall be determined by the collector from the officer's diary, the amount collected to be accounted for through the Sundry Collections Cash Book.

53. If during the currency of an entire calendar month the services of the officer are not required, no charge for services shall be made.

Excise Act—continued

54. When any person, company, commission or board operates under more than one Excise Bonding Warehouse licence, in the same port and premises, one charge only shall be made for officers' services to cover the aggregate hours of attendance.

Transportation of "In Bond" Goods by Trucks

55. Goods subject to duties of excise may be shipped in bond in trucks, the property of a licensee responsible for the goods; or the property of other persons or firms acceptable to the Minister and who have furnished a bond of an approved guarantee company in an amount of not less than five thousand dollars, or ten thousand dollars when spirits are to be transported in tank trucks.

56. The guarantee bond shall be conditioned for the delivery of the goods in accordance with the excise documents, and shall be in such terms as the Minister may determine.

57. Guarantee bonds and continuation certificates shall be forwarded to the Department through the collector of the port in which the transportation company maintains its head office.

6. Ships' Stores Regulations

P.C. 1954-1145 of 28th July, 1954) *see Customs Act, item 26, page 734*

7. Regulations governing Manufacturers in Bond

P.C. 1954-1207

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of August, 1954.

PRESENT:**HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL**

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and by virtue of the powers conferred by section 125 of the Excise Act, is pleased to order as follows:

1. The Consolidated Regulations governing Manufacturers in Bond, established by Order in Council P.C. 4368 of 31st August, 1949, as amended, are hereby revoked, effective October 1, 1954; and

2. The annexed "Regulations governing Manufacturers in Bond" are hereby made and established, effective October 1, 1954, in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING MANUFACTURERS IN BOND*Licensing*

1. Applications for licence shall be made to the Collector of Customs and Excise on Form L.1 amended, in triplicate, and shall be accompanied by

- (a) Complete plans and specifications, in triplicate;
- (b) Form E.110, in triplicate;

Excise Act—continued

- (c) Form E.111, in triplicate;
- (d) Form E.114, in duplicate; and
- (e) Form L.3a, in triplicate.

2. Applications for transfer of licence from one premises to another within the same port, shall be similarly dealt with except that application Form L.10, in triplicate, shall be used.

3. In making application for renewal of licence, where no changes have been made in the licensed premises, Form L.16 only, in triplicate, will be required.

4. When any changes have been made in the licensed premises supplementary plans and descriptions, in triplicate, accompanied by Form E.146, also in triplicate, shall be submitted when the changes have been completed.

5. Plans and specifications shall bear the same date as all accompanying forms and all shall be signed by the applicant or by his duly authorized agent.

6. Plans of premises to be licensed shall be drawn to scale in ink, on tracing cloth, or printed.

7. Plans shall include a manufacturing compartment, an Excise bonding warehouse and office space for an Excise officer.

8. The collector shall forward all applications to the District Inspector of Excise Duty for examination and approval, and the District Inspector shall, upon approval, submit them to the Department for authorization.

9. The collector shall not issue a licence until authorization has been received from the Deputy Minister, the requisite bond, in the form prescribed by the Department, deposited with him and the licence fee paid.

10. The licence may be issued on or before the 1st of April; at the same time the licence fee shall be accounted for in the Excise Duty Cash Book, and after endorsing the application papers, the collector will send one set to the Department, deliver one set to the applicant and file one in his office; the set returned to the applicant shall be that to which Form E.114 is not attached.

11. Where no dutiable goods are on hand, either in bond or duty paid, and no balance of stock is in process on the first day of April, the licensee may delay the renewal of his licence to any subsequent date in that fiscal year.

12. Bonded manufacturer's licences shall be made on Form M.5, and the class or kind of manufacture, such as "vinegar", "perfume", etc., shall be shown in prominent letters on the face of the licence; for the purposes of this section a manufacturer of flavouring extracts is regarded as a manufacturer of pharmaceutical preparations, and may be so designated.

13. Any licensed bonded factory may be closed and the licence forfeited, whenever it is shown to the satisfaction of the Minister of National Revenue that there is just cause for believing that fraud upon the revenue is being perpetrated in connection with such factory.

Excise Act—continued*Several Licences in Same General Premises*

14. More than one bonded manufacturer's licence may be issued to the same applicant to operate in the same general premises, but separate applications, guarantee bonds and licences must be made for each class of manufacture.

15. The licensee may warehouse the spirits required for all his bonded factories in the Excise bonding warehouse of any one of them, transferring smaller quantities as required from time to time on a transfer entry from one bonding warehouse to another; the receiving factory will be charged with the quantity and shall ex-warehouse at the rate pertaining to the spirits when used under that licence.

16. Every such transfer entry, as well as the Delivery Order, Form C.53, shall be endorsed by the collector with the words "Permission granted".

17. Where two or more factories are located in the same general premises, each bonding warehouse and duty-paid storage room in each factory shall have placed over the door the descriptive name of the licensed premises to which it belongs, such as "soap", "perfume" or "pharmaceutical preparations".

General

18. Subject to the provisions of the Excise Act, to these regulations and to such further regulations as may be made by competent authority, licences may be granted to manufacture "In Bond" articles of commerce approved by the Minister, in the manufacture of which goods subject to Excise duty are used.

19. (1) The licensee shall furnish the Deputy Minister with formula cards, six inches by four inches in size, on which shall be endorsed the name and address of the licensee, triplicate cards shall be furnished in respect of each article to be manufactured.

(2) The formula shall show, in detail, the name of the preparation and the quantity or amount of each ingredient entering into the manufacture thereof, but the complete formula need not be disclosed on the card; the Deputy Minister may reject any formula that in his opinion does not protect the revenue.

(3) The denaturing ingredients shall be of such quantity or amount as, in the opinion of the Deputy Minister, shall be sufficient to effectively denature the spirits, and the particulars of such ingredients shall be indicated on the cards in the manner prescribed by the Deputy Minister.

(4) The quantities of liquid constituents shall be stated in terms of imperial gallons, ounces and fractions of ounces and, in addition, the quantity of alcohol shall be stated in pounds and ounces avoirdupois; the quantities of solid constituents shall be stated in terms of pounds, ounces and fractions of ounces avoirdupois.

(5) Denaturants shall be added only in the presence of an Excise officer, and not otherwise.

(6) This section does not apply to manufacturers of vinegars and perfumes.

Excise Act—continued

20. After the formula has received the approval of the Deputy Minister, one copy will be returned to the licensee; this copy shall be available for the Excise officer when supervising manufacture and Excise officers in charge of bonded factories are required to see that the manufacturer adds all ingredients and in the quantities set forth in the approved formula; any formula card may be cancelled for reasons deemed sufficient by the Deputy Minister.

21. Should it be ascertained by any process or test of any of the articles made that a greater quantity of spirits has been used in the preparation than is shown in the formula, the duty applying to spirits shall be collected upon the excess ascertained during the currency of the licence in force.

22. (1) Customs-Excise officers may at any time take samples from any of the packages of spirits brought in or from any of the packages of vinegar or other articles made in or brought into any bonded factory as may be deemed necessary for determining their strength or quality; unused portions of samples shall be returned to stock.

(2) Samples of compounds, perfume oils and denaturants for Departmental analysis shall be taken by an Excise officer and shall be forwarded by the collector to the Chief, Customs-Excise Chemical Laboratory, Ottawa; each package shall bear the notation "For Excise Duty Purposes".

(3) The Deputy Minister shall be informed by letter of the forwarding of samples; each letter shall be marked "For attention of Excise Duty Branch".

(4) The balance of the material from which a sample has been taken shall be left in its container which shall be placed under Crown lock.

23. Should an inspector of Excise on visiting a bonded factory observe anything which, in his judgment, might lead to a loss of revenue or interfere with its proper collection or that might offer facilities for fraud, he is empowered to give instructions as to the changes he may deem necessary, and such instructions shall be complied with by the manufacturer or his agent; if the said changes are not made within the space of ten days, the licence may be forfeited.

24. Every bonded factory shall be provided with suitable scales approved by the Department of Trade and Commerce for weighing all excisable goods and other materials brought into the factory and when taken for use.

Warehouses

25. In all bonded factories, duty paid goods must be stored in a separate warehouse from goods in bond; such warehouse shall be termed a Duty-Paid Storage Room; if the licensee undertakes to pay duty on all spirits received in bond immediately on arrival, he may use the Excise bonding warehouse from time to time solely as a Duty-Paid Storage Room; in these circumstances a specially constructed Duty-Paid Storage Room need not be required, but the applicant is required to sign the undertaking on Form L.3a amended, attached to his application for licence, by which he binds himself to pay duty on all spirits received immediately after having been warehoused.

Excise Act—continued

26. When a bonding warehouse is used for the storage of duty-paid alcohol or rum it shall continue to bear the sign CANADIAN GOVERNMENT EXCISE BONDING WAREHOUSE.

27. All bonding warehouses and duty-paid storage rooms must be constructed in accordance with the provisions of the General Warehousing Regulations, (Circular 327C) as revised from time to time.

Supervision Fee

28. Every person to whom a Bonded Manufacturer's Licence is granted shall pay to the Collector of Customs and Excise, in addition to the licence fee prescribed by the Act, sufficient sums of money to cover the expenses incurred by the Department for the effective supervision of the manufacturing carried on under such licence.

29. In licensed bonded factories the supervision fee shall be \$2.50 per hour; no visit shall constitute less than one hour, fractions of an hour being counted as whole hours.

30. Supervision involves the attendance of an officer at all manufacturing operations, including testing of spirits, warehousing and ex-warehousing of spirits, packing and releasing goods for export, and any other operation requiring the attendance of an officer.

31. For all services rendered before or after authorized office hours or during the noon hour or on Sundays or statutory holidays, the usual hourly fees shall be charged; supervision fees shall be payable at the end of each month and shall be determined by the collector from the attendance book kept at each factory; the collector shall bill the manufacturer for the amount of the account and, on collection, will show it in his Sundries Cash Book.

32. Where during the currency of an entire calendar month the services of the officer are not required, no charge for supervision shall be made.

33. When any person or company operates under more than one bonded factory licence in the same general premises, the supervision fee to be collected will be based on the aggregate hours of attendance.

Warehousing and Ex-Warehousing

34. Every package of spirits brought into any bonded factory shall at once be weighed and the alcohol shall be tested for strength, warehoused and placed in an Excise bonding warehouse where it shall remain under Crown lock until ex-warehoused for use; it shall then be conveyed immediately to the mixing room where it shall be used in the presence of the officer.

35. No quantity of goods may be brought in, in excess of the proper capacity of the warehouse.

36. All goods warehoused shall be at the rate of duty shown on the Removal Entry; when ex-warehoused at a lower rate of duty or free of duty the Consumption Entry shall bear the notation: "To be used in the manufacture of in bond", the notation being made to suit the actual case.

Excise Act—continued

37. The Excise duty to be collected upon spirits imported into Canada for use in bonded factories is thirty cents per proof gallon when transferred from Customs and warehoused in Excise bond; an additional rate of duty per proof gallon shall be collected at the rate prescribed by the Schedule to the Excise Act when ex-warehoused for use.

38. All alcohol received in bond shall be weighed and tested at the factory and a detailed record of such weighing kept in a diary or pocket weighing book provided for the purpose, (Pocket Weighing Book T.254, or for Vinegar Factories, T.252); after alcohol is delivered ex-warehouse for use, the packages when emptied shall be tared immediately; the officer shall enter the tare and the date of taring in his weighing book, opposite the weight recorded when the package was received.

39. In testing alcohol for warehouse, the sample shall be brought to a temperature of 62 degrees Fahrenheit; facilities for bringing the alcohol to the correct temperature will be supplied by the licensee; for checking purposes the alcohol may be tested at the prevailing temperature.

40. In outports where a second officer is not available, and where a marked discrepancy is found in either weight or strength, some responsible person such as the Mayor, Postmaster or other Government official should be asked in view of possible subsequent dispute, to witness and certify to the weighing and testing of spirits for warehouse.

41. When excisable goods are received in bond at a bonded factory and a discrepancy of one-half of one per cent or greater is found to exist, the amount actually received shall be warehoused and the discrepancy shall be reported to the collector of the port from which goods were removed; for this purpose Form E.112 shall be used.

42. The collector may detail an officer in addition to the officer in charge of the bonded factory, to weigh and test the alcohol brought in and see it placed under lock in the bonding warehouse of the factory, and to certify the fact in writing upon one copy of the warehouse entry; in all cases whenever a discrepancy occurs the collector shall detail an officer in addition to the officer in charge to weigh and test the alcohol.

43. Except as otherwise provided the duty shall be paid on all spirits required for use before the goods are delivered ex-warehouse.

Free Entries.

44. Where no Excise duty is collectable on alcohol used in bond, an ex-warehouse entry for the total quantity delivered shall be passed by the manufacturer on the 10th, 20th and last day of each month, which shall be headed "Free Entry" and shall bear the sub-heading: "Free for the manufacture of in bond by authority of section 188 of the Excise Act." The officer in charge shall place his certificate on the entry as follows: "I hereby certify that the above quantity of alcohol was ex-warehoused during the period stated for the manufacture of.....
.....in bond."

NOTE: The procedure authorized by section 227 is an exception to this general rule.

Excise Act—continued*Rum*

45. To avoid losses by leakage and evaporation on rum stored in original containers, the manufacturer is permitted, when the rum is received from Customs, to transfer it, in the presence of two officers, from the original containers into other suitable barrels or containers before it is placed in Excise bond; the new containers shall be tared in advance and when filled they shall be weighed and samples taken for submission to the Department; the containers will then be stored in warehouse pending receipt of report from the Deputy Minister; if the containers being received are judged to be all of one lot, one sample consisting of an equal portion from each of the containers will answer for the whole instead of individual samples from each container; great care shall be taken to ensure that the original containers are completely drained.

46. The specific gravity as reported by the Deputy Minister will be the weight of the rum before the sample is distilled, and the strength will be as found after distillation; from this information, with the net weights, the officer shall determine the quantity in each container and affix to each a tag showing the date, serial number, gross, tare, net, standard gallons, strength, specific gravity and proof gallons.

47. Rum shall be accounted for in the Daily Record (Form T.258) on a page separate from alcohol; it is advisable to use separate books for rum and alcohol.

Goods Weighed For Use

48. In every bonded factory, without exception, all rum and spirits, when delivered for use, shall be carefully weighed by the officer; the licensee may check the receipt of spirits for use by measure.

49. In delivering spirits for use officers shall in no case make any adjustments or allowances in either weights or records with the object of maintaining an exact balance between records and actual stock.

50. Every mark on every container in which any excisable goods are taken to any bonded factory shall be completely erased and removed from such container as soon as it is emptied.

Spirits Removed

51. Spirits shall not be removed from a bonded factory without the specific written permission of the Department or Inspector of Excise Duty, and then only to another bonded factory or to a licensed distillery; except when two or more bonded factories are situated in the same premises and are licensed under the same name.

Drawbacks on Exportation

52. Manufacturers intending to make claim for drawback of the duty paid on spirits used in goods which have been manufactured under bond and subsequently exported, shall submit to the Deputy Minister cards six inches by four inches in triplicate, showing the number of the formula approved by the Deputy Minister, the name of the preparation and an affidavit signed and sworn to by the licensee as follows:

Excise Act—continued

“I certify that the quantity of alcohol used under bond in the manufacture of the above preparation is per cent of the finished product, and that each gallon of the preparation exported contains proof gallons.

.....
Signature of Licensee.

Sworn to before me at

this day of 19...

.....”

Excise Officer.

53. Samples may be taken by the Excise officer at any time for analysis.

54. After the declaration card has received the approval of the Deputy Minister, one copy will be returned to the licensee and one copy forwarded to the collector.

55. Entries for warehouse and ex-warehouse for export shall be passed at the time of shipment of goods, showing the name of the preparation, number of approved declaration, size of the various containers and the quantitative number of each size so exported.

56. Application for drawback may be made to the collector, on Form N.13, with proof of export as required by the Warehousing Regulations, (Circular 327-C as revised).

57. Drawback shall be made on the basis of the actual percentage of spirits used in the preparation, as per declaration, at the rate of duty paid when the spirits were ex-warehoused for use.

58. Claims for drawback will not be accepted unless presented within three years from date of exportation.

59. When goods are exported in small containers which cannot be measured by the officer, he shall take a given number of bottles of the same kind and size, and having filled them with water to the same height as in the bottles intended for export, obtain the gross and net weight, and from this using Sp. Gr. 10.0, calculate the approximate content.

Chemical Stills and Reclaimed Spirit

60. Stills that are used or may be used for the purpose of reclaiming spirit shall have a receiver attached to the tail of the worm.

61. The receiver shall be kept under Crown lock, and the key of the lock shall remain in the possession of the officer, whether the still is in use or not.

62. The officer shall ensure that all connections between the still and the receiver are secured in such manner that all the spirit shall pass into the receiver.

Excise Act—continued

63. The reclaimed spirit shall be weighed and tested under supervision of the officer, and if not required for immediate use shall be placed in Duty Paid Storage Room and treated thereafter as duty paid spirit; the test shall be made at 62° Fahrenheit.

64. Spirit reclaimed in a bonded factory paying one rate of Excise duty on the alcohol used therein may not be removed to or be used in a bonded factory employing alcohol at another rate of Excise duty.

65. Each quantity of reclaimed spirit when placed under Crown lock shall bear a tag written and signed by the officer showing serial number, date and quantity in pounds, standard gallons, strength and proof gallons.

66. The officer shall keep a record, on a special page in the Daily Record, (Form T.258) of all quantities of reclaimed spirit produced and taken for use in the factory; in some cases a separate book T.258 may be found desirable.

67. Reclaimed alcohol, when used, shall be recorded by weight in T.271 with a notation "equivalent to..... pounds of 65 o.p. alcohol".

Stocktaking

68. As of March 31st of each fiscal year, stock shall be taken in all bonded factories by the licensee, under the supervision of the Excise officer in charge, of all materials on hand or in process on that date; stock shall also be taken at the time of expiration of a licence; any surplus found shall be charged in the records immediately but no deficiency may be written off without the authority of the department.

69. Application to take credit for deficiencies shall be made on Form N.21, in quadruplicate, which shall be attached to and accompany the annual returns.

70. Forms N. 21 shall be compiled to show the amount which may be given credit by reason of any allowance provided for in the Excise Act or these regulations.

71. The percentage of deficiency shall be ascertained by adding to the quantity ex-warehoused for use during the year the quantity found by stocktaking at the close of the last fiscal year and by deducting from the total the actual quantity found at current stocktaking.

72. A signed statement of the officer, showing in detail the gauge, weight and test of each item included in the stocktaking shall be attached to one copy of the annual return and retained by the inspector.

Books, Monthly and Annual Returns

73. In every case where stock books are required to be kept by the licensee he shall make the necessary entries and such entries shall be made immediately after the operations to which they relate; officers shall check these entries and compare the monthly returns with the stock books; officers shall not keep stock books for the manufacturer or make entry papers, but should render such assistance to the manufacturer as may be possible.

Excise Act—continued

74. On or before the third working day of each month a return shall be submitted from every licensed bonded manufacturer as follows:

Returns		Prepared by
Vinegar	K.60	Licensee
Pharmaceuticals	K.63	Officer
Perfume (amended to suit)	K.63	Officer
Wine	K.63	Officer
Miscellaneous Products (amended to suit) ..	K.63	Officer

in triplicate, which shall be separate and distinct for each month and shall relate to the month last preceding the date of making such return; the officer in charge, after having the return checked and attested by the licensee, shall forward all three copies to the collector who, after checking and signing the return, shall retain one copy, forward one copy to the District Inspector of Excise Duty and the other to the Deputy Minister, in envelope S.A.1.

75. On or before the tenth day of April in each year or upon the discontinuance of licence, the officer in charge shall prepare an annual statement.

Perfume (amended to suit)	Form G.64
Pharmaceuticals	Form G.64
Wine	Form G.64
Vinegar	Form G.73
Miscellaneous Products (amended to suit)	Form G.64

in quadruplicate, which shall be a complete and accurate record of the books and monthly returns for the transactions occurring in the previous year; the statement shall be attested by the manufacturer as to the correctness of quantities shown therein; all four copies shall be forwarded to the collector and by him to the Inspector of Excise Duty who, after checking and signing all copies, will retain one copy for his files, return one copy to the officer in charge and forward one copy to the Deputy Minister and one to the collector.

Spirit Vinegar Manufacturers

76. A mix-tub and receiver of sufficient capacity shall be provided which shall be equipped for locking or shall be located in a compartment which may be placed under Crown lock when so required; a dip rod, prepared under the supervision of the collector, shall also be provided.

Ex-Warehousing Alcohol

77. Packages of alcohol shall not be removed from the bonding warehouse until after the spirit maximum of the content of the mix-tub has been determined; packages shall not be taken out of the bond, the proof content of which may exceed the spirit maximum.

78. Each package of alcohol, including drums, when taken for mix, shall be weighed, gross and tare, and the contents tested by the officers; such check-test may be made at the temperature prevailing.

Excise Act—continued

79. The officer in charge shall enter all details of weighing and testing of alcohol received in the factory on the debit side of T.252, and on the credit side, opposite the debit entry of each respective package, the gross, tare and net weight of the reweigh, the strength and the date when taken for use; the test of each package taken for use shall be recorded in terms of temperature, indication and strength in the marginal column; if more than one package is taken for use at the one time, a general mixed sample may be taken to represent the lot.

80. After the completion of the mix of the vinegar with the alcohol, the officer or officers shall place his or their initials opposite the entry on T.252.

Mix

81. The officer in charge and, if required, his assistant, shall be present at all mixes; a manufacturer shall not be permitted to make at any one time a mix of greater quantity than one which, when added to the amount of mix on hand, will equal the amount necessary to supply the generators for the five following days not including Sundays and legal holidays.

82. All alcohol delivered for use must be denatured in the presence of the officer or officers by the admixture of vinegar in the proportion of five or more parts of proof vinegar to one part of proof spirits; the Deputy Minister may modify this requirement to meet special conditions.

83. Before requesting the delivery of alcohol ex-warehouse for use in a factory, the manufacturer shall place in the mix-tub a quantity of vinegar equal to five or more times in proof gallons the quantity of proof gallons of alcohol desired to be taken for use.

84. The officer or officers shall then measure the vinegar in the mix-tub by dip, and after the manufacturer has plunged the contents thoroughly, take a sample thereof and test it for acetic strength; they shall then compute the proof gallons of vinegar contained in the mix-tub and divide the result by five which will give the maximum amount of proof gallons of alcohol (to be called the "spirit maximum") which may be added to the mix as taken for use.

85. All samples, measurements and calculations must be taken or made by the officers.

86. No alcohol shall be placed in the mix-tub until after the spirit maximum of the vinegar contained in the mix-tub has been obtained; in no case may any exception be made to this requirement.

87. The use of beer, wine, cider or other food material is permitted, but in determining the production of the factory, no allowance may be made for the acid or spirit content of such materials.

88. No beer, wine, cider or other food material shall be placed in the mix-tub until after the spirit maximum has been determined by the officers.

89. In determining the spirit maximum no allowance shall be made for alcohol contained in beer, wine or cider to be added to the mix.

90. Officers shall see that the alcohol is completely emptied from the packages into the mix, and shall tare the empty packages at once to ensure that no alcohol remains in them.

Excise Act—continued

91. The completed mix shall be plunged thoroughly in the presence of the officers.

92. Every mix shall bear a number and shall be recorded in sequence in the Vinegar Manufacturer's Daily Record; a new series of numbers commencing with number one shall be begun on April 1st in each year.

93. No less quantity than the entire contents of one drum of alcohol shall be taken for use at one time.

94. The officer in charge shall lock the mix-tub or the door of the mix room temporarily when it is necessary to safeguard the vinegar prepared for mix until the alcohol to be used therein is released from the bonding warehouse; the finished mix may be released for distribution to the generators only; no portion of any mix may be held back from the distributor or generators for use in preparing a subsequent mix.

95. Whenever the manufacturer desires, the quantity of vinegar in the receiver shall be gauged and tested by the officer in charge; the manufacturer may then, under the continued supervision of the officer, take any desired quantities of the vinegar for purposes of mix, for re-run through the generators or for shipping purposes; the quantity which the officer finds in the receiver and the quantities withdrawn from it or left in it shall be entered in the Daily Record.

96. A manufacturer may add to his generators, receivers, mix-tubs or distributors, vinegar which has been brought in or produced in his factory, thus increasing his stock in process, provided that he notifies the officer in advance so that the quantities may be gauged and tested; the quantities used shall be entered in the Daily Record with a suitable notation; such a transaction shall not be regarded as a mix, as no alcohol is to be added; after determining the quantity, it shall be run through the mix-tubs or distributors into the generators.

97. The following method will be used in computing the production of the factory in any fiscal year,

the proof gallons of vinegar, if any, on hand in the receivers, mix-tubs and distributors at the beginning of the period, plus

the amount, if any, of proof gallons of vinegar which was brought into the factory during the year and added to the stock in process, plus

an amount of vinegar equal to four times the quantity in proof gallons of spirits used for mix during the year,

will give the required production, and will be compared with the actual production, that is,

the total amounts of proof gallons of vinegar produced and removed for shipping during the year, plus

any amounts of proof gallons of vinegar remaining in the receivers, mix-tubs and distributors on the last day of the period.

98. Under no circumstances may the licensee dispose of or use the finished mix for any purpose other than the manufacture of vinegar on his premises; misuse of the prepared mix will render the licensee liable to the penalties provided by the Excise Act.

Excise Act—continued*Acetic Acid*

99. The percentage of acetic contained in any vinegar used for mix or produced in any bonded vinegar factory shall be determined by such established chemical tests, applied by such apparatus as may from time to time be directed by regulations or instructions made for that purpose by the Department; Acetic acid must not, under any circumstances, be brought into a bonded vinegar factory.

Books to be Kept

100. By the Licensee
Daily Record T.256A
By the Excise Officer in Charge
Weigh Book T.252 (Record of operations and mixes)
Diary T.202

Samples

101. Samples of vinegar should be contained in round 4-ounce bottles, securely packed in mailing cases and addressed to the Customs-Excise Chemical Laboratory, Ottawa.

102. Bottles may be purchased locally on Departmental authority but mailing cases will be supplied on requisition.

103. The sample shall be taken from any quantity of vinegar prepared for mix after it has been tested by the officer, and shall be divided into two parts; one part shall be forwarded to the Customs-Excise Chemical Laboratory, Ottawa, and the other (about 8 ounces) shall be held by the collector in a safe place until the check-test is reported; in case of breakage or loss of the first sample, the second part will thus be available.

104. To each sample a label (Form E.118) in duplicate, duly completed by the officer, shall be attached with a rubber band to the bottle; upon completion of the check-test one of the labels completed to show the result of the check will be returned to the collector, and the other sent to the inspector.

105. When any discrepancy greater than $3/10$ cc. (3 grains) either way is shown by the check-test, the collector shall have the test repeated on the second part of the sample by the same officer, and a sample of this part with new labels again sent to the laboratory with a view to discovering where the error lies.

List of Materials and Utensils

106. The following materials and utensils will be supplied to officers in charge of factories upon requisition:—

- (a) 1 clamp stand,
- (b) 1 pipette for vinegar sample, graduated to 10 c.c.,
- (c) 1 burette for soda test solution, graduated to 50 c.c.,
- (d) 1 glass beaker,
- (e) 1 white porcelain saucer,
- (f) 1 bottle phenol-phthalein,

Excise Act—continued

- (g) 1 bottle soda test solution,
- (h) 1 glass rod for stirring mixtures,
- (i) 1 glass for distilled water, and
- (j) 1 bottle normal acid solution.

Vinegar Test

NOTE:—As some officers are supplied with burettes and pipettes graduated in grains instead of cubic centimeters (c.c.) these regulations on testing vinegar will refer to grains in the proportion of 1 c.c. to 10 grains, wherever c.c. are mentioned; for example, 25 c.c. are held equivalent to 250 grains.

107. The pipette (10 c.c.) shall be used for measuring the vinegar; it is filled by suction to a short distance above the mark, closed with the point of the forefinger, and by slightly raising the finger the vinegar is allowed to flow out drop by drop until the mark coincides with the lower edges of the meniscus (curved surface of the liquid).

The contents are now released into the beaker glass, and the pipette held for about a minute in a vertical position to drain; the last drop is removed by touching for a moment the surface of the liquid in the beaker.

The pipette shall not be blown through, as this will not only cause it to deliver more than 10 c.c. but will contaminate the vinegar sample with carbonic acid from the breath of the operator; phenol-phthalein is sensitive to carbonic acid.

108. Add to the sample in the beaker from 10 to 20 c.c. of distilled or clear rain water, or even 5 to 10 additional c.c. of water if the vinegar is very strong; the addition of water renders the change of colour less abrupt, and minimizes the chance of error.

109. Add to the sample in the beaker 10 drops of phenol-phthalein, stirring it in well with the glass rod.

110. The burette is filled to the zero mark with the soda solution, and the float inserted, before being placed in the clamp stand; it is essential to ensure that no air bubbles are imprisoned below the clip, also that no drops of soda solution flow down the outside of the burette; the stand is so made that the burette must be vertical, provided that the stand be placed on a level table; the liquid is now allowed to flow out until the mark on the float coincides with zero on the burette.

111. The soda solution is now added slowly into the vinegar and stirred for thorough admixture; the endpoint is reached abruptly when a single drop changes the solution from colourless to a distinct red-violet colour which remains constant after stirring for a full minute; the burette is now read to tenths of a c.c., and this reading gives the strength of the vinegar in terms of normal soda; on prolonged stirring the red-violet colour will fade out, owing to the fact that phenol-phthalein is sensitive to atmospheric carbonic acid.

112. In reading the level of the liquid in the burette, the observer's eye should be on a level with the surface of the liquid, and the bottom of the meniscus is to be read in every case; this will be made easier by holding behind the burette a dark object (black card or black pencil) slightly below the level of the liquid, so that a shadow may be thrown on the

Excise Act—continued

undersurface of the curve; always keep a white saucer or a white sheet of paper under the glasses, and have either a white wall, a white sheet of paper or a white painted board behind the sample when comparing colours, and care shall be taken that no coloured object, such as the cover of a book or varnished wood, can be reflected in the liquid under examination.

113. To convert the strength of the vinegar from terms of normal soda to terms of proof vinegar, the number of c.c.'s of soda solution used shall be multiplied by the constant factor 5·1 and divided by 6; or, by one operation, shall be multiplied by ·85, the result being, in both cases, the per cent of proof vinegar (that is, vinegar containing 6 per cent of acetic anhydride) in the sample.

114. The following is an example of the calculation: A sample taken from 1,000 standard gallons of vinegar required 17·3 c.c.'s of soda solution to neutralize the contained acid, $173 \times 5\cdot1 \div 6$; or $173 \times \cdot85$ equals 147·05 per cent of proof, or 47·05 over proof; and 1,000 standard gallons at 47·05 o.p. equals 1470·50 proof gallons of vinegar.

115. A re-test is generally desirable and may be effected by testing another part of the sample, or, by adding to the sample which has just been tested a second quantity, say 1 c.c. of vinegar which will cause the colour to disappear; soda solution will then be added until the colour reappears; whether the result of the test and re-test are taken separately or combined the results should agree, although it is possible that a less quantity of soda by one drop may be required on the re-test owing to the fact that the red colour was already present when the second addition of vinegar was made.

116. It may become necessary to check the soda solution by the normal acid solution; when equal quantities, say 2 c.c., of the standard soda solution are run into 2 c.c. of normal acid solution (to which has been added 10 drops of phenol-phthalein) they should exactly neutralize each other; the addition of one drop of soda in excess should produce colour.

117. Collectors shall be held responsible for the care and correct use of all materials and utensils used in testing vinegar, and they are to ensure that a proper supply of solution is kept on hand.

118. All testing solutions for officer's use at the factories shall be contained in tight-stoppered bottles, and shall be kept in locked cupboards and away from light or excessive heat.

119. Borrowing or lending of solutions or utensils between officers and manufacturers is prohibited.

120. Glass cocks and stoppers of bottles may be prevented from sticking by smearing them lightly with vaseline.

121. Soda solution taken from the bottle shall not be returned to it, as soda readily takes up atmospheric carbonic acid, thereby becoming weaker.

122. Officers should use constant volumes of diluted vinegar and of phenol-phthalein, thereby ensuring a uniform tint with an excess of one drop of soda solution.

Excise Act—continued

123. Before using the soda burette (already well washed with water) it is to be rinsed with about 2 to 3 c.c. of the soda solution, and this is to be rejected; the vinegar pipette is also to be well rinsed with a proportion of the vinegar submitted for test.

124. At the end of each day's work the soda burette and the vinegar pipette shall be washed thoroughly with water and placed in the clamp stand to drain, the clip being removed so as to prevent rapid deterioration of the rubber.

Malt Vinegar

125. Malt vinegar may be manufactured only by persons, firms or companies licensed to manufacture vinegar from alcohol in bond and the manufacture of malt vinegar shall be carried on in premises contiguous to their licensed premises.

126. A licence to manufacture malt vinegar is not required when a formula has been submitted and approved by the Deputy Minister.

127. The formula shall show in detail the process of manufacture and the location of the premises in which the manufacture is to be carried on.

128. The manufacturer shall furnish a bond of an approved guarantee company in the sum of \$5,000.00 conditioned for the manufacture of malt vinegar in accordance with the formula and in the premises approved by the Minister.

Cereal Foods

129. A licence is not required for the manufacture of cereal foods where a brew is made and the wort used for further processing of the product of the manufacturer when a formula has been submitted and approved by the Deputy Minister.

130. The formula shall show in detail the process of manufacture and the location of the premises in which the manufacturing is to be carried on.

131. The manufacturer shall furnish a bond of an approved guarantee company in the sum of \$5,000.00 conditioned for the manufacturer of cereal foods in accordance with the formula and in the premises approved by the Minister.

Perfume Manufacturers

132. The manufacture of perfumed spirits in bond is primarily intended to cover the manufacture of simple perfumes and toilet waters without other admixture, but such preparations as hair, scalp, skin, face and hand lotions, may be added, provided that in each there is an undoubted and genuine content of perfume oils, and that the amount of alcohol required to complete the preparation pertains only to the perfumed spirit element and not in any degree to the preserving, dissolving or otherwise perfecting the other elements.

Excise Act—continued

133. Every perfumed spirit preparation made from unmaturred alcohol shall cost not less than \$6 per Imperial gallon; it shall be denatured if the cost of same is less than \$10 per Imperial gallon, by the addition to it of one of the three specified denaturants and in the amounts specified, and it shall also contain not less than one ounce by weight of essential oil for each Imperial gallon of alcohol used, except in certain cases where compounds in whole or in part are used in lieu of such one ounce of essential oil per gallon of alcohol.

134. Any preparation commenced but not completed in accordance with the requirements of section 133 shall be placed under Crown lock until the licensee is ready to complete the operation.

135. The one ounce of essential oil required to be added to each Imperial gallon of alcohol used may consist of one oil only, or more than one, but such oils shall be essential or synthetic of the general character of flower odours and commonly used as such, and shall not include spice or flavouring oils such as anise, cloves, cinnamon, peppermint and winter-green; the use of flavouring oils is not prohibited, but the quantity shall be in addition to the amount of essential or synthetic oils herein required; officers shall determine the proper nature of all oils used to meet this requirement; in case of doubt, the officer may submit a half-ounce sample to the Deputy Minister and if doubt arises after the preparation has been made, a sample of the denaturant and of the finished product shall be forwarded to the Deputy Minister for decision; the denaturant and the finished product shall both be held under Crown lock pending the decision of the Deputy Minister.

136. No article other than perfumed spirits and no medicinal preparation whether pharmaceutical, pharmacopoeial or proprietary, may be manufactured in a bonded factory licensed to manufacture perfumed spirits.

137. No perfumed spirits, the cost of which is less than \$6 per Imperial gallon, may be manufactured in bond from dutiable unmaturred alcohol.

138. The cost shall represent solely the actual cost to the manufacturer of the alcohol and other ingredients contained in the perfumed spirits, including freight charges and Customs and Excise duties, but not including the cost of bottles, labels, depreciation or other overhead charges.

139. To enable the officer in charge to determine the cost of the ingredients entering into the composition of the finished perfumed spirits, every licensed manufacturer is required, upon the request of the officer in charge, to produce all invoices and other necessary data.

140. Wherever possible the manufacturer shall bring oils and other materials into the factory in original containers; where it is not practicable to do so, he shall exhibit to the officer the original container from which the quantity is to be taken, so that the officer may compare such container with the cost invoice; oils to be used shall be placed under Crown lock.

141. The cost of alcohol shall be calculated as follows: To the cost per proof gallon add the excise duty of \$1.50 per proof gallon; the total multiplied by the strength factor 1.65 will give the combined cost and duty per Imperial gallon; the freight rate per Imperial gallon may be added to this, and the new total divided by 8.2 will give the cost per pound as required on Form E.139.

Excise Act—continued

142. The cost of perfumed spirits shall be computed as follows, using Form E.139 for the purpose: The total cost of all ingredients divided by the total weight of the same (not including water), multiplied by 8.2 (pounds per gallon); where the alcohol is stronger than 65 o.p., the same gravity factor, 8.2, shall be used.

143. The manufacturer shall provide a suitable scale, and all quantities shall be determined by weight and recorded in pounds and ounces.

144. No alcohol other than what is required in the production of the perfumed spirits shall be added because of gums, castor oil or like materials used in the preparation.

145. A manufacturer may add oils to the alcohol while in the barrel, on condition that the officer has weighed and tested the quantity in the barrel immediately before the mix is made and found the weight and strength correct; such weighing and testing shall be done in every instance and with every package so used.

146. One copy of Form E.139 shall be completed by the licensee and signed by the licensee and officer for each batch of perfumed spirits made; the forms shall be numbered serially and kept on file in the factory.

147. No extract or tincture which contains only alcohol and aromatic chemicals (without the required amount of essential oils and denaturation, and without compliance with the cost-minimum, which all go to make up a finished preparation) shall be removed from the factory; when made, if not used at once in further manufacture, they shall be stored under Crown lock until required; the vessel containing such extracts or tinctures shall bear a label which shall be completed and signed by the officer, showing the serial number of the Form E.139 under which they were made, and the cost price established; when taken for use the Extracts Returned to Stock should be noted as such on Form E.139.

148. Benzyl Acetate, when used alone in the manufacture of any perfume spirit, shall be present in the proportion of at least two ounces to each Imperial gallon of 65 o.p. alcohol.

149. Phenyl Ethyl Alcohol and Terpeneol when used alone in the manufacture of any perfume spirit, shall be present in the proportion of at least ten ounces to each Imperial gallon of 65 o.p. alcohol.

150. When Fern Oil or Synthetic Fern Oil is used in the manufacture of any perfumed spirits an essential floral oil shall be used in addition to these oils in the proportion of at least one ounce to the Imperial gallon of 65 o.p. alcohol.

151. Compounds or blends of two or more oils and other material, without alcohol (herein referred to as compounds) may be made by the manufacturer under the supervision of the officer.

152. Each compound shall, unless used immediately, be stored under Crown lock until required; the vessel containing the compound shall bear a label completed and signed by the officer, showing the serial number of the Form E.139, the established cost price and the percentage of oil in the compound.

Excise Act—continued

153. The percentage of oils in the compound being known, there shall be added to each gallon of alcohol sufficient of the compound to make the oil equivalent equal to one ounce; if a compound contains 40 per cent of essential oils, then $2\frac{1}{2}$ ounces of the compound should be used to each gallon of alcohol; should the manufacturer not wish to use this quantity he may use less, but shall bring the oil content of the preparation to the required amount by adding straight essential oils; in any such case the alcohol may be denatured to the required percentage by the use of essential oils, compounds, or a combination of oils and compounds.

154. When the compounds are taken for use, the Form E.139 shall show the name of the compound, and the serial number of the Form E.139 under which it was made.

155. Manufacturers may not assemble their compounds privately and bring them into the factory at unverified costs and contents.

156. All purchased compounds, foreign or domestic, shall be brought into the factory in original containers, and placed under Crown lock for identification purposes until used; if the manufacturer wishes he may divide a package in the presence of the officer, or transfer the contents to other containers, keeping back any quantity he may desire for other uses, but the portions placed in warehouse shall each bear a label as in the case of compounds made in the factory; any quantity of a compound which has been placed under Crown lack may be delivered to the manufacturer on request.

157. The licensee shall obtain and submit to the Deputy Minister for approval an affidavit of the manufacturer establishing from his own personal knowledge the exact percentages respectively of essential oils, aromatic chemicals of a floral and non-floral character, and of each named sundry contained in each purchased compound; the Deputy Minister, in signifying approval of the use of such purchased compounds, will advise the licensee and collector as to the percentage of oils contained in each and the officer shall keep copies of the approvals on file at the factory; no purchased compound may be used before the consent of the Deputy Minister has been obtained, unless independently of its use the required oil content is already guaranteed by the other ingredients used.

158. The amount of each purchased compound to be added to each gallon of alcohol employed shall be based on the percentage specified in the notification of the Deputy Minister; the manufacturer may use more than one compound in the same preparation if desired.

159. The cost of each compound shall be that of the maker's invoice, except that in the case of imported compounds Customs duty and transportation charges may be included.

160. Every perfumed spirit preparation of every kind, costing less than \$10 per Imperial gallon, shall be denatured by the addition of one of the following denaturants in the proportion stated:

For each pound of alcohol used whether the strength be that of absolute alcohol or any lower strength, there shall be well stirred into it not less than,

(a) 1 grain of quassin; or

(b) 110 grains ($\frac{1}{4}$ ounce) of quinine hydrochloride; or,

(c) $87\frac{1}{2}$ grains ($\frac{1}{5}$ ounce) of diethylphthalate.

Excise Act—continued

These denaturants shall conform to Departmental standards.

161. All denaturants when brought into a factory shall be placed under Crown lock, and samples submitted to the Departmental laboratory for analysis; denaturants may not be used until approved.

162. The officer will place a memorandum on Form E.139 on the line where denaturants are shown, giving the name of the denaturant employed.

163. On each copy of E.139 employed, the officer shall place a memorandum showing the calculation as to the oil-content, and when compounds are included in the preparation the percentage and amount of oil equivalent of each shall be shown.

164. Where a licensed chemical still is used for the recovery of the spirits from pomades or other materials in process, the spirit so reclaimed shall be run into a closed receiver which shall be kept under Crown lock.

165. Reclaimed spirit, when produced and the quantity ascertained, shall be debited in the Duty Paid Account of T.258 kept for the purpose and credited when taken for use.

*Use of Specially Denatured Alcohol, Grade No. 1-B,
in Bonded Perfume Factories*

166. Licensed bonded perfume manufacturers desiring to use Specially Denatured Alcohol, Grade No. 1-B, shall submit to the collector, for transmission to the Department, permit Form L.11 (Amended) in duplicate, together with the requisite bond, in the form prescribed by the Department.

167. S.D.A.G. No. 1-B may be purchased under permit from any distiller by any licensed bonded perfume manufacturer.

168. S.D.A.G. No. 1-B will be received at the bonded factory under the same conditions as unmatured alcohol, except that upon receipt at the bonded factory it shall be placed in the Duty Paid Storage Room under Crown lock instead of being re-warehoused on removal in the usual manner, and immediately debited in the Duty Paid Account in T.258 and credited when taken for use.

169. S.D.A.G. No. 1-B shall not be used in any way or in combination with alcohol in bond or duty paid in the factory; it may be brought into a bonded factory only in order that its use may be efficiently supervised.

170. S.D.A.G. No. 1-B may be used only by the permit holder in his bonded factory, under supervision of the officer, and only for *bona fide* perfumes and perfumed spirit preparations; except as stated herein, the same general conditions shall apply to its use, as in the case of alcohol in bond.

171. S.D.A.G. No. 1-B, in which diethylphthalate is used as a denaturant, is restricted to the manufacture of high grade perfumes and toilet waters, containing not less than two and one-half ounces of essential perfume oils of a floral character to each Imperial gallon of specially denatured alcohol.

172. No duty shall be collected on such alcohol when used in the manufacture of perfumed spirits in a bonded factory; no costs need be furnished; no denaturants need be added.

Excise Act—continued

173. Form E.139 shall be completed by the licensee and signed by the licensee and officer for each preparation made, showing the name of preparation, date, serial number, name and amount of each ingredient used in addition to the alcohol; the usual conditions as to essential oils shall be observed.

174. Officers will refuse to permit the manufacture, with S.D.A.G. No. 1-B, of any preparation which is not a perfume or perfumed spirit preparation, and particularly pharmaceutical preparations, liniments, and rubbing preparations, liquid dentifrices, mouth washes, and internal remedies.

175. S.D.A.G. No. 1-B may not be stored in the same warehouse with alcohol in bond.

176. Books to be kept—

By the Licensee:	
Cost of Ingredients	E.139

By the Excise officer:	
Pocket Weighing Book	T.254
Record of Spirits	T.258
Diary	T.202

177. The quantity of unmatured alcohol brought into a factory and placed in warehouse shall be debited in the Warehouse Account of T.258; when ex-warehoused the quantity shall be credited in the Warehouse Account, debited in the Duty Paid Account and credited when taken for use.

178. A separate T.258 shall be kept for each type and strength of spirit brought in.

*Manufacturers of Chemical Products, Pharmaceutical Preparations,
Patent and Proprietary Preparations, Extracts and Essences*

179. The admixture of alcohol with drugs, chemicals or other materials mentioned on the formula card, used in the production of the articles for which the licence is granted, shall be performed under the personal supervision of the officer in charge.

180. When it is desired to manufacture any preparation, the licensee shall record in T.271 the designating number and quantity to be manufactured; also the quantity of alcohol and denaturing materials to be used, and in all cases shall exhibit the card relating thereto to the officer who will thereupon determine the quantity of alcohol, deliver it for use and ensure that the alcohol is mixed with the ingredients stated in the formula, placing his initials opposite the entry in the book as evidence that he has seen the said alcohol mixed with such ingredients.

181. In the manufacture of preparations where the principal ingredient is a solid or semi-solid substance which requires time to steep or macerate, articles such as vanilla, tonka beans or gums, should be cut or broken, and when the alcohol is added the vessel containing the mixture shall be placed under the Crown lock for a period of at least 48 hours, in order that the alcohol may be denatured by sufficient of the extractive principal of the ingredients; after the expiration of this period the whole may be delivered into the possession of the manufacturer.

Excise Act—continued

182. When more alcohol is required to complete a preparation previously commenced, the further quantities of alcohol needed may be delivered on condition that the total amount of alcohol used in the original mixture and subsequent additions does not exceed the proportion of alcohol to other materials sanctioned by the formula.

183. The entry on T.271 to cover the added amounts of alcohol, shall show the name of the preparation, the date of original mixture and the quantity of alcohol to be added.

184. In the manufacture of pharmaceutical preparations, extracts and essences, when the licensee wishes to use a new formula, or to substitute a formula for one which has already been approved, the manufacture under the new formula may be proceeded with, provided formula cards are mailed to the Deputy Minister, and further provided that the amount of alcohol used in the first instance may not exceed five Imperial gallons, and after that no further amount may be manufactured until the authorized formula has been received from the Deputy Minister.

Emergency Alcohol (Pharmaceutical Factories)

185. Whenever, because of the distance between the factory and the collector's office, or of the nature of the business transacted by the licensee, the inspector is satisfied that an emergency condition is likely to occur, he may authorize the officer to release to the manufacturer from the stock of duty paid alcohol, a quantity not exceeding two Imperial gallons by weight (16 pounds 6 ounces) for the manufacture and filling of rush orders.

186. Emergency alcohol may be used only in the manufacture of pharmaceutical preparations covered by approved formulae, and only when the services of an officer cannot be obtained.

187. Such two gallons shall be considered part of the balance of duty paid alcohol as shown on T.258 until it is regularly disposed of and accounted for on T.271.

188. When the manufacturer requires to use any portion of the two gallons he will make his entry in T.271 as in other cases, and initial it with his own initials in lieu of those of the officer, and place the word "emergency" beside the entry, for checking purposes; upon the next visit of the officer the amounts so used by the manufacturer will be added in with additional amounts used in the officer's presence, and the total shall be carried into T.258 as one amount; the stock may then be replenished, not to exceed two gallons, or the stock may be renewed when all has been used.

189. Abuse of the privilege granted by sections 185 to 188 shall result in its immediate cancellation; where any abuse is found to occur, the officer shall take possession of any balance of emergency alcohol and place it under Crown lock, reporting the circumstances to the collector.

190. Officers shall not deliver any quantity of alcohol to the manufacturer for doctors' prescriptions, experimental, surgical, testing or purposes other than those of legitimate manufacture under the terms of the licence.

Excise Act—continued*Tincture of Ginger*

191. Tincture of ginger may not be manufactured from alcohol in bond unless at least the equivalent of four pounds of ground ginger root are used to each Imperial gallon of 65 o.p. alcohol. (Four pounds of ground ginger root is considered to be equal to 3·2 ounces of oleoresin ginger.)

192. Tincture or extract of ginger may not be manufactured for sale except for pharmaceutical and industrial trade; officers shall refuse the release of alcohol for the manufacture of this preparation for the "Household" extract trade; when submitting formula cards of this preparation for approval, separate cards shall be used to show whether it is intended for pharmaceutical or industrial purposes, as the quantity used for pharmaceutical purposes is restricted.

Extracts

193. Vanillin solutions may not be manufactured from alcohol in bond for sale to industrial users, unless vanillin is present in the proportion of 16 ounces to each Imperial gallon of 65 o.p. alcohol; such solutions may be sold to industrial users for manufacturing purposes only and not for resale; they may, however, be further compounded with true vanilla extracts and water or other ingredients and sold as "Household" extracts providing that the alcoholic strength of the finished product does not exceed 57·7 per cent of alcohol by volume, that the true vanilla extract is an approved product and is present in the compound to the extent of at least 50 per cent; an approved substitute may replace vanillin partly or wholly in the above products but must be present in the same proportions; in all cases these preparations must be covered by departmentally approved formulae.

194. Manufacture of solutions containing less than 16 ounces of vanillin or an approved substitute to each Imperial gallon of 65 o.p. alcohol, but not less than 6 ounces, is permitted for use in the further manufacture in bond of approved products but not for sale as such.

195. Artificial vanilla extracts manufactured for sale as "Household" extracts and made essentially from vanillin or an approved substitute or both, may not be manufactured from alcohol in bond unless such extracts when finished for sale, have an alcoholic content of not more than 25·3 per cent of alcohol by volume (44·2 per cent proof spirits).

196. Household flavouring extracts, natural or synthetic, may not be manufactured from alcohol in bond if such extracts when finished for sale have an alcoholic content of more than 20 per cent of alcohol by volume, provided however, that the Minister may, at his discretion, authorize the alcoholic content of such extracts finished for sale to be increased to not more than 57·7 per cent by volume; all formula cards submitted for approval shall show the quantity of denaturing oils, concentrates and other denaturants, together with the quantities of 65 o.p. alcohol, and water or other non-alcoholic diluents, sufficient to produce essences or extracts of the alcoholic strength herein specified; formulae for household extracts which have been approved, and are presently in effect, need not be amended and submitted to the Minister unless requested.

Excise Act—continued

197. Oils and concentrates, synthetic or natural, used in the manufacture of flavouring extracts subject to these restrictions, shall be placed under Crown lock and delivered to the manufacturer as required for use in accordance with approved formulae.

Restricted Preparations

198. By reason of the suitability of certain preparations for beverage purposes, it is necessary for the protection of the revenue to limit the quantities which may be manufactured in bond for sale of the following:

- Cordiale rubi* (blackberry cordial).
- Elixir simplex* (simple elixir).
- Elixir aromaticum* (aromatic elixir).
- Elixir anisi* (anise elixir).
- Elixir aromaticum rubrum* (red aromatic elixir).
- Elixir aurantii* (elixir of bitter orange).
- Elixir cardamomi* (compound elixir of cardamom).
- Elixir glycyrrhizae* (elixir of licorice).
- Elixir glycyrrhizae aromatica* (aromatic elixir of licorice).
- Elixir of lactated pepsin, including carminative elixir, digestive elixir, and stomachic elixir.
- Elixir taraxaci compositum* (compound elixir taraxacum).
- Essence of pepsin.

“Household” flavouring extracts, natural or synthetic, containing more than 20 per cent of alcohol by volume.

- Spiritus aetheris* (spirit of ether).
- Spiritus chloroformi* (spirit of chloroform).
- Spiritus juniperi compositus* (compound spirit of juniper).
- Spiritus myrciae compositus* (compound spirit of myrcia).
- Spiritus anisi* (spirit of anise).
- Tinctura amara* (bitter tincture).
- Tinctura aurantii amari* (tincture of bitter orange).
- Tinctura aurantii dulc* (tincture of sweet orange).
- Tinctura aromatica* (aromatic tincture).
- Tinctura caramelis* (tincture caramel).
- Tinctura cocci* (tincture cochineal).
- Tinctura cardamomi composita* (compound tincture of cardamom).
- Tinctura gentianae composita* (compound tincture of gentian).
- Tinctura lavendulae composita* (compound tincture of lavender).
- Tinctura pruni virginianae* (tincture of wild cherry).
- Tinctura persionis* (tincture of cudbear).
- Vinum aurantii compositum* (compound wine of orange).
- Vinum pruni virginianae* (wine of wild cherry).
- Tincture or extract of ginger for pharmaceutical use.
- Any other preparations at the discretion of the Deputy Minister.

199. Before the 1st of December in each year each manufacturer shall submit to the Deputy Minister a list on Form E.127, in triplicate, showing the formula numbers, names and amounts of each of the preparations named in section 198 that he will require to manufacture during the currency of the ensuing calendar year for purposes of sale; quantities required for use in his business and not for purposes of sale should not be included, and these quantities when manufactured shall be entered in T.271 with a notation beside the entry “Not for sale”.

Excise Act—continued

200. Upon examination of the said lists, the Deputy Minister shall issue instructions limiting the quantities to be manufactured, and such limitations may not be exceeded except with the written permission of the Deputy Minister.

201. The officer in each factory shall keep a permanent record of all such restricted preparations, in T.258A, showing under each heading the quantity authorized by the Department, the date and quantity manufactured from time to time under such permission and the Folio of T.271 on which the preparation is recorded; when a restricted preparation is shown as manufactured in the Record of Materials Used, T.271, a notation shall be made by a large letter (R) with the number of the page on which the record of manufacture is shown in T.258A.

202. Books to be kept by Licensee:

Record of Materials Used	T.271
Books to be kept by officer in charge:	
Record of Restricted Preparations	T.258A
Pocket Weighing Book	T.254
Daily Record	T.258
Diary	T.202

*Manufacturers' Use of Wine Spirits for Treatment of
Domestic Wine*

203. Wine spirits, for the purposes of these regulations, are spirits distilled from wine produced from native fruits to be used exclusively in the treatment of wine.

204. A wine manufacturer operating under a permit issued by any of the provinces of Canada who desires to treat native fruit wine with spirits obtained by the distillation of wine produced from native fruits is required to make application for a licence as a bonded manufacturer.

205. Supervision includes the attendance of two or more officers at all operations, such as testing the wine to which the spirits are to be added, testing of spirits, warehousing, ex-warehousing of spirits for use, convoying of spirits and other duties requiring the presence of officers; supervision fees shall be charged for the aggregate number of hours of all the officers in attendance during the month.

206. The licensee is required to provide a bonding warehouse constructed in accordance with Excise regulations for the purpose of storing wine spirits in bond.

207. Wine may be shipped to licensed distillers for distillation into wine spirits to be used by bonded manufacturers to treat wine provided that notice of shipment is given to the collector of the port in which the distillery is situated.

208. When permission of the Deputy Minister has been granted and tank weigh scales approved by the Inspector of Excise are installed on the licensed premises, removals of wine spirits direct from a licensed distillery may be made by bonded tank truck secured at all inlets and outlets by Crown lock or seal.

209. Wine spirits received in tank trucks, when not taken immediately from the weigh scales for use in the bonded factory, shall be stored in tanks secured by Crown lock installed in the bonding warehouse.

Excise Act—continued

210. Wine spirits shall not be transferred from barrels or drums to tanks or from tanks to barrels or drums in the warehouse of a licensed winery.

211. Delivery of wine spirits ex-warehouse shall be made as required for immediate use in quantities of not less than ten standard gallons on Entry for Consumption Ex-warehouse, Form B.52, at the current rate as set forth in the Schedule to the Excise Act.

212. When wine spirits are conveyed either by direct gravity flow or by pump, the conveying pipe lines shall be in clear view throughout their entire course from the warehouse to the tank; one officer shall remain at the exit of the spirits from the warehouse weigh tank and another at the entry of the spirits into the tank containing the wine to ensure that all the spirits released have entered the wine tank which shall then be thoroughly plunged in the presence of the officer; to preclude any loss or recovery of the spirits which may have remained in the pipe line, a sufficient quantity of wine shall be run or pumped through the spirit line immediately after completion of the operation.

213. Wine spirits when stored in wooden barrels in bonded warehouses at the winery may, in the event of a deficiency arising, be subject to an abatement which shall not exceed two-thirds of one per cent for each complete month after the date of original warehousing, but no abatement shall be allowed for a period of more than twelve months, and every such abatement shall be made in respect of each specific package and shall in no case exceed the actual deficiency found to exist in the package.

214. Wine spirits when stored in metal drums or Crown locked tanks in bonded warehouses may, in the event of a deficiency arising, be subject to an abatement which shall not exceed one per cent of the quantity originally warehoused in each drum or tank.

215. Deficiencies within the legal allowance shall be accounted for on Legal Allowance Form B.74; deficiencies in excess of legal allowance are to be accounted for on Entry Form B.52.

216. Wine must be in a tank before wine spirits may be added.

217. Wine spirit may be added to bring the wine to any desired strength, but not in excess of 35·5 per cent of proof spirits; all tests of wine shall be made by means of a test still and Sikes' Hydrometer at a temperature of 62° Fahrenheit.

218. Wineries licensed as bonded manufactories may add botanicals to wine spirits, but spirits to which botanicals are added shall be kept under Crown lock and be added to native wine under the supervision of an officer; the resulting mixture may not have an alcoholic content in excess of 35·5 per cent proof spirit.

219. Officers shall exercise great care in distilling wine and in testing distillate before and after the addition of wine spirits; where the spirit content of the treated wine is found to be greater than 35·5 per cent of proof spirit, additional wine shall be added to reduce the spirit content to the prescribed percentage.

220. Wine intended for export may be treated with wine spirits to bring the finished product to any desired strength under the following conditions:

- (a) if the treated wine exceeds 35·5 per cent of proof, it shall be held under Crown lock and may not be released for any other

Excise Act—continued

purpose than exportation or for the further addition of wine to reduce it to a strength of 35·5 per cent of proof or less;

- (b) the operation of reducing the strength of wine shall be performed under the supervision of an Excise officer who shall test for strength after the wine is reduced.

221. The Excise officer in charge of a winery where wine is treated for export shall make the following entries in the diary:

- (a) the number of the storage tank in which the wine is stored,
- (b) the quantity of wine and its alcoholic strength before the addition of wine spirits,
- (c) the quantity of wine spirit added to the wine and the alcoholic strength of the wine spirit,
- (d) the quantity and alcoholic strength of the treated wine placed under Crown lock,
- (e) the quantities of wine drawn from the tank and exported,
- (f) the quantities of wine drawn from the tank to be reduced for domestic consumption to a strength of not more than 35·5 per cent of proof, and
- (g) the quantity of reduced wine and its alcoholic strength.

222. Books to be kept by the officer:

Record of Spirits Taken for Use—T.265

Pocket Weigh Book—T.254

Diary—T.202

Manufacturers of Goods Subject to Excise Tax

223. Toilet preparations or cosmetics on which Excise tax is applicable under Schedule 1 of the Excise Tax Act, and in which alcohol is used directly in their manufacture, may be produced under a bonded manufacturer's licence for the manufacture of goods subject to Excise tax.

224. Regulations governing the manufacture of chemical products, pharmaceutical preparations, patent and proprietary preparations, extracts and essences, where applicable, apply to manufacturing under this bonded manufacturer's licence except as otherwise provided for in the following sections.

225. A separate warehouse shall be provided for the storage of alcohol used for the manufacture of goods subject to the Excise tax.

226. All formula cards submitted to the Department for approval shall bear the following notation:

"This preparation subject to Excise tax."

227. A free ex-warehouse entry, for the quantity of alcohol warehoused, shall be passed with the warehouse entry and shall be headed:

"Free entry under section 188 of the Excise Act."

228. Before alcohol may be released free of duty for the manufacture of goods subject to Excise tax, the licensee shall provide the collector with a certificate, in triplicate, establishing that the named preparations are subject to Excise tax and that he is paying the tax imposed thereon; the original certificate shall be attached to the officer's Daily Record, T.258, of the interested licensee for inspection purposes; the collector will forward one copy to the Director of Excise Audit, Ottawa, and the remaining copy to the Divisional Director of Excise Audit.

Excise Act—continued

229. These regulations do not apply to licensed bonded manufacturers of perfume who shall continue to follow the regulations governing the manufacture of perfume, but the requirements of section 228 shall be met before unmatured alcohol, free of duty, may be used.

8. Chemical Stills Regulations

P.C. 1954-1208

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of August, 1954.

PRESENT:**HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL**

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and by virtue of the powers conferred by section 125 of the Excise Act, is pleased to order as follows:

1. The Regulations governing registration and licensing of Chemical Stills, established by Order in Council P.C. 4367 of 31st August, 1949, are hereby revoked, effective October 1, 1954; and

2. The annexed "Regulations respecting the Registration and Licensing of Chemical Stills" are hereby made and established, effective October 1, 1954, in substitution for the regulations hereby revoked.

**REGULATIONS RESPECTING THE REGISTRATION AND LICENSING
OF CHEMICAL STILLS**

1. These regulations may be cited as the *Chemical Stills Regulations*.

2. In these regulations,

- (a) "chemical still" means any distilling apparatus that is kept and used by any person for the sole purpose of distilling water or reclaiming alcohol previously used in or for the preparation or manufacture of chemical, medicinal or pharmaceutical preparations, or that is used for scientific or industrial purposes, and not used for the manufacture or distillation of spirits, of which use in every case the Minister shall be the sole judge;
- (b) "Department" means the Department of National Revenue;
- (c) "Deputy Minister" means the Deputy Minister of National Revenue;
- (d) "measured content" means the content of a container of liquid determined by measuring the same with an Imperial measure;
- (e) "Minister" means the Minister of National Revenue; and
- (f) "person" includes a firm, partnership, corporation or other organization.

3. The following tables shall be used in determining whether stills of certain measured content and for certain specific purposes are subject to registration or licensing:

Excise Act—continued

BASIS FOR LICENSING OR REGISTERING STILLS

Measured Content	Purpose for which used	Registered on Form E. 124 or Licensed on Form M. 12
(Imperial Gallons)		
Not exceeding 3 gallons.....	By garagemen, radio dealers, soft drink manufacturers, pharmaceutical manufacturers and individuals generally for producing distilled water.	Registered
Exceeding 3 gallons.....	By garagemen, radio dealers, soft drink manufacturers, pharmaceutical manufacturers and individuals generally for producing distilled water.	Licensed
Not exceeding 3 gallons.....	By educational institutions, research laboratories, chemists, druggists, pharmaceutical manufacturers and other persons having a legitimate use for a still.	Registered
Exceeding 3 gallons.....	By educational institutions, research laboratories, chemists, druggists, pharmaceutical manufacturers and other persons having a legitimate use for a still.	Licensed
Not exceeding 3 gallons.....	By <i>bona fide</i> launderers and dry-cleaners for recovering gasoline, benzine and other textile cleaning solvents used in laundry and dry-cleaning processes.	Registered
Exceeding 3 gallons.....	By <i>bona fide</i> launderers and dry-cleaners for recovering gasoline, benzine and other textile cleaning solvents used in laundry and dry-cleaning processes.	Licensed
Not exceeding 3 gallons.....	By agriculturists, lumbermen and others for extracting cedar oil, peppermint oil, turpentine or any chemical other than alcohol.	Registered
Exceeding 3 gallons.....	By agriculturists, lumbermen and others for extracting cedar oil, peppermint oil, turpentine or any chemical other than alcohol.	Licensed
Not exceeding 3 gallons.....	By persons licensed under the Excise Act as manufacturers in bond, for use in reclaiming alcohol used in bond.	Registered
Exceeding 3 gallons.....	By persons licensed under the Excise Act as manufacturers in bond, for use in reclaiming alcohol used in bond.	Licensed
Any measured content.....	By <i>bona fide</i> public hospitals duly certified as such by the Department of National Health and Welfare.	Registered

Excise Act—continued

Measured Content	Purpose for which used	Registered on Form E. 124 or Licensed on Form M. 12
(Imperial Gallons) Any measured content.....	By persons commercially engaged in the business of distilling vinegar made from apple cider, fruit juices or other saccharine materials, such distillation to be performed under Excise supervision, as per sections 23 to 44 of these regulations and any supplements thereto.	Licensed

CONDENSING, PASTEURIZING OR COOLING UNITS

Condensing, pasteurizing, or cooling units regardless of measured content or hourly capacity which are permanently built into and form an integral part of:		
(a) An apparatus or machine used in the manufacture of soft drinks or pharmaceutical preparations;	By manufacturers of soft drinks or pharmaceutical preparations, for producing distilled water.	Registered,—upon compliance with provisions of section 22.
(b) A laundry or dry-cleaning apparatus or machine;	By <i>bona fide</i> launderers and dry-cleaners for recovering gasoline, benzine and other textile cleaning solvents used in laundry and dry-cleaning processes.	Registered,—upon compliance with provisions of section 22.
(c) An apparatus or machine used for pasteurizing unfermented fruit juices;	By fruit growers, fruit packers, canners, etc., for pasteurizing unfermented fruit juices as a method of sterilizing for preservation.	Registered,—upon compliance with provisions of section 22.
(d) An apparatus or machine used for cooling, pasteurizing or sterilizing dairy products;	By <i>bona fide</i> dairies, creameries or dairy cold storage plants.	Registered,—upon compliance with provisions of section 22.
(e) Any apparatus or machine not specified in paragraphs (a), (b), (c), and (d).	By other persons for similar purposes upon Departmental approval being obtained in advance.	Registered,—upon compliance with provisions of section 22.

Registration

4. All stills, the measured contents of which do not exceed three gallons, except those used for distilling vinegar, shall be registered, on Form E.124, in triplicate, at the office of the collector in the locality in which they are located.

5. One registration only is required irrespective of the number of stills used by any one person, such registration shall be in the name of the person using the stills.

Excise Act—continued

6. Registrations made by partnerships, firms, corporations or other organizations shall be signed by members or officers thereof, who shall state their qualification and authority.

7. Registration certificates shall be effective so long as the still or stills remain in the custody, possession or use of the person in whose name registration is effected and need not be renewed from year to year; when additional stills not exceeding three gallons measured content are imported, manufactured, possessed or used after registration has been effected, a supplementary registration certificate bearing the original number shall be made.

8. The registration certificate shall clearly indicate,

(a) the number and description of stills imported, manufactured, possessed or used; and

(b) whether the registration relates to the importation, manufacture, possession or use or any or all of such acts or operations.

NOTE: Paragraph (a) does not apply to dealers in stills either by wholesale or retail or to persons commercially engaged in the importation or manufacture of stills for sale or disposal to others; such dealers, importers and manufacturers, in lieu of furnishing on the reverse side of the registration certificate a description of the stills for which registration is required, shall insert a clause clearly indicating their intention to engage commercially in the business of dealing in, importing and/or manufacturing stills not exceeding three gallons measured content for sale or disposal to others; on obtaining registration they shall submit Quarterly Returns on Form G.53 pursuant to the provisions of section 54.

9. Registration certificates shall be available at all times for production to any officer of Excise or any member of the Royal Canadian Mounted Police.

Removal or Disposal of Stills

10. Whenever a chemical still has been registered as being located on certain premises and it is desired to remove it to other premises either with or without change of ownership the registration certificate shall, before the removal takes place, be delivered over to the local collector, after which a new registration certificate properly describing the new premises will be obtained; the collector shall forward the original certificate to the Department for cancellation and amend his records accordingly.

11. Any person not commercially engaged in the business of importing, manufacturing or dealing in stills desiring to dispose of a registered still, by sale or otherwise, to another person may do so only upon first surrendering his registration certificate to the local collector and obtaining his consent; the collector shall be furnished with the full name and address of the person to whom it is proposed to sell or dispose of such still or stills; if, after enquiry, the transaction is approved by the collector and takes place between persons located within his survey he shall, upon obtaining registration in the name of the new owner, cancel the former registration in his records and forward the original registration certificate under covering letter to the Department for cancellation; the same procedure shall be followed in cases where the proposed purchaser is located outside the jurisdiction of the collector, except that the latter shall communicate with the collector having survey over the premises of the pro-

Excise Act—continued

posed purchaser for the purpose of ascertaining that such proposed purchaser is a fit and proper person to have a chemical still in possession and use, and that a registration certificate has been or will be issued in his name.

12. Any person not commercially engaged in the business of importing, manufacturing or dealing in stills desiring to dispose of a licensed still by sale or otherwise to another person may do so only upon first notifying the local collector and obtaining his consent; the collector shall be furnished with the full name and address of the person to whom it is proposed to sell or dispose of such still or stills; if the person to whom the still is to be disposed of is located within the same port, the collector shall ensure that such person is in possession of a licence before giving approval to the transaction; the same procedure shall be followed in cases where the proposed purchaser is located outside the jurisdiction of the collector except that the latter shall communicate with the collector having survey over the premises of the proposed purchaser for the purpose of ensuring that a licence has, in fact, been issued in his name.

13. Any person wishing to dispose of a still or stills of any measured content by destruction may do so only upon first notifying the collector, who shall detail an officer to witness such destruction; the registration certificate shall then be surrendered to the collector and forwarded by him to the Department for cancellation; the collector's copy shall likewise be cancelled; if the still is licensed the licensee, if he so desires, may advise the collector of abandonment of licence.

Licensing

14. Except as tabulated in section 3, all stills the measured content of which exceeds three gallons shall be licensed on Form M.12, the fee for which is two dollars for each fiscal year whether such licence has a full year or only a part of a year to run from the date when it was granted.

15. Application for a chemical still licence shall be made on Form L.9, in triplicate, and the bond of a guarantee company approved by the Minister in the sum of one thousand dollars shall be submitted to the collector before the licence is issued.

16. The collector shall forward all applications to the District Inspector of Excise for examination and approval, and the District Inspector shall upon approval submit them to the Department for authorization.

17. The collector shall not issue a licence until authorization has been received from the Deputy Minister, the requisite bond, in the form prescribed by the Department, deposited with him, and the licence fee paid.

18. Chemical still licences and guarantee bonds are renewable as of April 1 of each year upon payment of the annual licence fee of two dollars and renewal of the guarantee bond.

19. Applications for renewal of licence on Form L.9, in triplicate, should be made in the month of February in order that the licence may be issued as of April 1 of each year.

20. Any chemical still, previously licensed but for which an application for renewal of licence has not been received on or before March 31, is liable to seizure under the Excise Act, or may be sealed by Crown lock at the discretion of the collector who shall then report the full facts to the Department for instructions.

Excise Act—continued

21. Stills, acquired or disposed of by the destruction or otherwise during the year, shall be recorded immediately on Form L.9, in triplicate, marked "Supplementary", signed by the licensee, and forwarded to the District Inspector of Excise.

Condensing, Pasteurizing or Cooling Units

22. Condensing, pasteurizing or cooling units, regardless of measured content or hourly capacity, which are permanently built into and form an integral part of an apparatus or machine used,

- (a) by manufacturers of soft drinks or pharmaceutical preparations, for producing distilled water;
- (b) by dry-cleaners and launderers for recovering gasoline, benzine and other textile cleaning solvents;
- (c) by fruit growers, fruit packers, canners or others for pasteurizing unfermented fruit juices as a method of sterilizing for preservation;
- (d) by *bona fide* dairies, creameries or dairy cold storage plants for cooling, pasteurizing or sterilizing dairy products; or
- (e) by other persons, for similar purposes, upon registration certificate, description, and letter explaining the purpose being submitted by the collector to the Department for approval in advance of the issuance of such registration certificate,

are deemed, for the purpose of these regulations, to be subject to registration, on Form E.124, upon the owner furnishing a description in the form of a blue print, pencil sketch or photograph satisfactory to the collector to be filed by him with the registration certificate.

Vinegar Stills

23. Chemical stills of any measured content for use under Excise supervision by persons commercially engaged in the business of distilling vinegar made from apple cider, fruit juices or other saccharine materials, shall be licensed (Form M.12) upon compliance with these regulations.

24. Application for a chemical still licence shall be made to the collector on Form L.9, in triplicate, accompanied by complete plans and specifications, together with Forms E.110, E.111 and E.114, all of which shall be in triplicate except Form E.114, which shall be in duplicate.

25. Applications for transfer of licence from one premises to another, within the same port, shall be similarly dealt with except that application Form L.10, in triplicate, shall be used.

26. In making application for renewal of licence, where no changes have been made in the licensed premises, Form L.16 only, in triplicate, will be required.

27. When any material changes have been made in the licensed premises, supplementary plans and descriptions, in triplicate, accompanied by Form E.146, also in triplicate, shall be submitted when the changes have been completed.

28. Plans and specifications shall bear the same date as all accompanying forms and shall be signed by the applicant or his duly authorized agent.

29. Plans submitted shall be drawn to scale, in ink, on tracing cloth, or printed.

Excise Act—continued

30. The collector shall forward all applications to the District Inspector of Excise for examination and approval, and the District Inspector shall, upon approval, submit them to the Department for authorization.

31. The collector shall not issue a licence until authorization has been received from the Deputy Minister, the requisite bond, in the form prescribed by the Department, deposited with him, and the licence fee paid.

32. A closed receiver room shall be provided in which a tank or tanks shall be installed to receive the distillate from the chemical still; the enclosure may be a separate room; when forming part of the floor of a building a partition shall be constructed separating the closed receiver tanks from the other portion of the room.

33. When wire screening is used in the construction of the closed receiver room the wire shall not be smaller than No. 9 gauge and the mesh shall not be greater than two inches in diameter; the screening shall be securely fastened at top, bottom and sides.

34. When the closed receiver room is constructed of wooden slats, they shall not be more than two inches apart and shall be nailed on the inside to substantial horizontal supports with cross-slats running the entire length of the partition on the outside, and placed so that the ends of the upright slats may be secured by nails driven through the upright and cross-slats and clinched on the inside.

35. Partitions separating the closed receiver room from other space shall be built on a solid base at least four feet in height, and if such base be of wood the boards shall be tongued and grooved.

36. The closed receiver room shall have one entrance only and all doors, windows and other means of ingress shall be fastened on the inside in a secure manner and to the satisfaction of the collector and inspector; the door shall be locked with a label lock, the key of which shall not be given into the possession of any person other than an officer of Excise.

37. The joints of all pipes leading from the head of the still into, through and from the condenser into the closed receivers shall be brazed or otherwise secured to the satisfaction of the inspector; when flanged unions are used they shall be Crown sealed.

38. The closed receivers in the closed receiver room shall be locked with Crown label locks at the top and bottom, and shall remain locked at all times except during the presence of the Excise officer who may release the vinegar from time to time as required.

39. The Excise officer before releasing the distillate to the licensee shall

- (a) ensure that all locks and seals are intact;
- (b) designate the contents of each closed receiver as a batch, and number each batch consecutively beginning with number "1" on April 1 of each year, such record to be kept in a blank book such as No. 232;
- (c) ensure, by taste and smell, that the article is, in fact, vinegar and not alcohol;
- (d) take, in the official container supplied by the Department, a representative eight-ounce sample from the top of each tank to be released;

Excise Act—continued

- (e) complete and affix to each sample taken, the official label (Form E.119), by inserting, in ink, the name and address of the licensee, the date the sample was taken, the consecutive number of the batch and the officer's signature; and
- (f) deliver all such properly corked and labelled samples to the collector or sub-collector who shall retain them in consecutive order for a period of six months, after which, unless called for by the Department for test, they may be destroyed.

40. The official eight-ounce containers referred to in section 39, with mailing tubes, may be obtained on requisition to the Department.

41. All vinegar stills shall be supervised by an officer of Excise; the supervision fee is \$2.50 per hour; no visit shall constitute less than one hour, fractions of an hour being counted as whole hours.

42. Supervision fees are payable at the end of each month and shall be determined by the collector from the attendance book or diary kept at each factory; the amount collected shall be accounted for in the Sundry Collections Cash Book.

43. If during the currency of an entire calendar month the services of an officer are not required, no charge for supervision shall be made.

44. The usual fees for overtime, as established by regulations, shall be charged by the officer to the Department for all services rendered before or after office hours or during the noon hour, or on Sundays or statutory holidays.

Importers, Manufacturers and Dealers

45. When a person engages in the business of importing or manufacturing stills for sale or disposal to others, or of buying and selling stills, the measured content of the still or stills so imported, manufactured or otherwise dealt in shall decide whether such importer, manufacturer or dealer shall be registered or licensed; in either event Quarterly Returns on Form G.53 are required to be made.

46. Every still other than glass stills, imported from abroad, manufactured in Canada or otherwise dealt in, shall bear the name and address of the importer, manufacturer or dealer together with a serial or code number by which the still can be definitely identified; such serial or code number shall be based on a system to be established by the importer, manufacturer or dealer and approved by the collector.

47. The name and address and serial or code number shall be permanently stamped into or affixed to the still proper in a manner satisfactory to the collector.

48. The making of repairs to, or alterations in the construction of a still of any description or under any circumstances, shall be regarded for the purpose of these regulations, as the manufacturing of a still and all such transactions shall be included in a quarterly return to be submitted on Form G.53; details of such repairs or alterations shall be given, in each instance, in concise form; it shall not be necessary to inscribe on the still the name and address and serial or code number unless in the making of such repairs or alterations the part bearing the identification marks and numbers has been removed, in which event the name and address and

Excise Act—continued

serial or code number of the person or firm making the repairs or alterations shall be inscribed on or stamped into the still proper in a manner satisfactory to the local collector.

49. Stills shall be disposed of or delivered only to persons who have been duly registered or licensed under the provisions of the Excise Act and regulations and under no circumstances to an unregistered or unlicensed person; any person violating this regulation is guilty of an offence and is liable to the penalty provided by the Excise Act.

Transportation of Stills

50. Importers, manufacturers or dealers may transport stills by means of their personally-owned delivery services but stills that are otherwise transported shall be consigned by bonded carrier on an Order Bill of Lading to the order of the collector or sub-collector at destination, "notify ultimate consignee"; a copy of the Order Bill of Lading shall be delivered to the collector who will immediately forward it by mail to the collector or sub-collector having survey over the point of destination.

51. The collector or sub-collector upon receipt of an Order Bill of Lading relating to a still shall immediately notify the ultimate consignee but shall permit delivery under the following conditions only:

- (a) the person to whom the still is consigned must be a fit and proper person to have in possession and use a chemical still and the still is to be used for a legitimate purpose within the meaning of the Excise Act and regulations; all cases of doubt must immediately be referred to the Department for decision;
- (b) the person to whom the still is consigned must be registered or the holder of a licence.

52. (1) The collector, upon granting release of a still forwarded on an Order Bill of Lading, shall do so by writing across the face thereof:

Deliver to
(Name of consignee)

upon payment of freight and other charges.

(2) The omission of the above direction may render collectors personally liable to the transportation company for payment of the charges if such payment be refused by the shipper or consignee.

53. Every person other than an importer, manufacturer or dealer, not already bonded as a carrier of all excisable goods, who transports chemical stills shall furnish a bond of a guarantee company approved by the Department in the sum of one thousand dollars; such bond shall be conditioned for transportation of chemical stills only when they are consigned on an Order Bill of Lading to order of the collector or sub-collector at destination.

Returns

54.(1) Persons commercially engaged in the business of importing or manufacturing stills for sale or disposal to others or who deal in stills either at wholesale or retail shall be required to register once only or be licensed once yearly irrespective of the number of stills imported, manufactured or dealt in during any fiscal year, but every such importer,

Excise Act—continued

manufacturer or dealer shall on or before the third days of April, July, October and January in each year submit to the local collector a return, in triplicate, on Form G.53, showing all details of receipts and disposals during the three preceding calendar months; these details, in addition to dates, will include,

- (a) the serial or code number; the material of which each still is made; the measured content of each and the name and address of the person or firm from whom received in the first instance, in respect of every still on hand at the beginning of the period as ascertained by stocktaking;
- (b) detailed information concerning all stills acquired during the period, showing dates, serial or code numbers, the material of which each is made, its measured content and the name and address of the person or firm from whom received in the first instance; this statement to conclude with a certificate duly signed and reading as follows:

“I hereby certify that this statement constitutes an accurate and complete return of all stills carried over from last quarter as determined by actual stocktaking and of all stills imported, manufactured or otherwise acquired during the period covered.”

- (c) an itemized return of all disposals, giving dates, serial or code numbers, the material of which each still is made, its measured content, the name and address of the manufacturer of each still, the name and address of the person or firm to whom each still is delivered, and the serial number of his registration certificate or licence as the case may be; and,
- (d) the information required by paragraph (c) in respect of all stills on hand at the end of the quarter as determined by actual stocktaking; this return to conclude with a certificate duly signed and reading as follows:

“I hereby certify that this statement constitutes an accurate and complete return of all disposals of stills for the period covered and that the record of stills on hand at the end of the period was determined by actual stocktaking.”

(2) When no stills have been imported, manufactured, repaired, altered or otherwise acquired or disposed of during the quarter a “Nil” return, on Form G.53, shall be submitted.

55. Collectors upon receiving Quarterly Return of Receipts and Disposals of Stills, Form G.53, shall

- (a) ensure that all stills listed as disposed of to persons located within the survey of their port are either under registration or licence according to their measured content;
- (b) notify in writing the collectors having survey over the premises of persons located in other ports to whom stills have been consigned.

56. On or before the tenth day of April, July, October and January in each year collectors having survey over ports where still importers, manufacturers or dealers are located shall forward to the Department one copy of Form G.53, after having carefully scrutinized it for completeness, legibility and accuracy.

Excise Act—continued

57. Where it is discovered as a result of enquiry, or otherwise, that stills or parts of stills have been delivered to unauthorized persons the collector shall immediately report the full facts to the nearest division or detachment of the Royal Canadian Mounted Police for such action by way of seizure, or otherwise, as may be warranted by the circumstances.

Stills Owned by Department of National Defence

58. All chemical stills of any capacity, the property of the Department of National Defence (Navy, Army or Air Force) in Canada, shall be recorded under a general licence issued to the Department of National Defence, Ottawa; existing registrations of stills on Form E-124 by the Department of National Defence may be regarded as cancelled.

9. Regulations governing the Manufacture of Tobacco and Cigars

P.C. 1954-1320

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of section 218 of the Excise Act, is pleased to order as follows:

1. The Consolidated Regulations in respect of tobacco and cigars and tobacco and cigar manufactories, established by Order in Council P.C. 1087 of 25th March, 1947, as amended, are hereby revoked; and

2. The annexed "Regulations governing the Manufacture of Tobacco and Cigars" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE MANUFACTURE OF TOBACCO AND CIGARS

Applications for Licence

1. Applications for licence to operate a tobacco or cigar manufactory shall be made to the Collector of Customs and Excise on Form L.1, in triplicate, indicating the estimated monthly production of the survey, and shall be accompanied by the following documents:

- (a) Complete plans and specifications in triplicate;
- (b) Form E.110 in triplicate;
- (c) Form E.114 in duplicate.

2. Applications for transfer of licence from one premises to another, within the same port, shall be similarly dealt with, except that application Form L.10, in triplicate, shall be used.

3. In making application for renewal of licence, where no changes have been made in the licensed premises, Form L.16 only, in triplicate, will be required.

Excise Act—continued

4. When any material changes have been made in the licensed premises, supplementary plans and descriptions, in triplicate, accompanied by Form E.146, also in triplicate, shall be submitted when the changes have been completed.

5. Plans and specifications shall bear the same date as all accompanying forms and shall be signed by the applicant or his duly authorized agent.

6. Plans submitted shall be drawn to scale, in ink, on tracing cloth, or printed.

7. Applications for new licences shall not be accepted by collectors unless the premises to be licensed are entirely separate and distinct from any place of residence and from any place where tobacco or cigars are sold by retail.

8. The collector shall forward all applications to the District Inspector of Excise for examination and approval, and the District Inspector shall upon approval submit them to the Department for authorization.

9. The collector shall not issue a licence until authorization has been received from the Deputy Minister, the requisite bond, in the form prescribed by the Department, deposited with the Collector and the licence fee paid.

10. Buildings or warehouses for the storage or processing of tobacco either contiguous to or separated from a tobacco or cigar manufactory may, at the discretion of the Deputy Minister, be included in one licence.

11. The Deputy Minister, upon authorizing issuance of a new licence, shall allot each tobacco and cigar manufactory a designating number which shall be assigned by the collector and which shall not thereafter be changed.

12. When a licence is granted to any person, firm or corporation not located in a municipality in which there is a resident Customs-Excise officer, necessary travelling and other expenses incurred in the supervision thereof shall be borne by the licensee.

Standard Weight of Tobacco

13. Standard tobacco as defined by the Excise Act means tobacco which contains ten per cent of water and ninety per cent of solid matter; when it has been ascertained by the scale approved or supplied by the Department that a sample of tobacco contains moisture in excess of this proportion, such excess shall be deducted from the actual weight represented by the sample and the balance charged in the books of the manufacturer as the standard weight of the tobacco.

14. When it is found, however, that the percentage of moisture is less than ten per cent, an amount sufficient to raise the actual weight to the standard shall be added thereto and the standard weight thus ascertained shall be charged to and accounted for by the manufacturer.

15. Specially constructed scales, by means of which the percentage of moisture may be ascertained without resorting to mathematical computation, are supplied by the Department.

16. The method of determining the percentage of moisture by use of the scale is as follows: With the sliding-poise at extreme left of the beam,

Excise Act—continued

sufficient counter weights are placed at the end of the beam to counter-balance the empty pan on the platform; the sliding-poise is then moved to the outer end of the beam and sufficient tobacco placed on the tray to balance; after drying, the pan and tobacco are again placed on the scale and the sliding-poise adjusted until the scale balances; by reading the lower figures on the beam, to the left of zero, the exact percentage of moisture to be deducted will be found but if the scale balances with the poise to the right of zero, the indicated figures minus 100 will give the percentage of moisture to be added.

17. All samples taken for the purpose of ascertaining the percentage of moisture contained therein shall be furnished by the licensee free of cost; two samples shall be taken from the first ten packages, and one sample from each ten packages in excess of the first ten.

18. Samples of one-quarter of one pound in weight shall be taken from the packages at the time of weighing and be immediately dried in the drying oven supplied by the Department or by the manufacturer; the difference between the weight when put in and when removed from the dryer represents the moisture contained in the sample.

19. Officers in charge of tobacco and cigar manufactories shall exercise special care in the selection of representative samples for drying, as well as in the operation of drying, in order that the true percentage of moisture may be ascertained and the correct standard weight determined; they shall also ensure that the drying ovens, scales and counter poises are kept in proper order.

20. Officers shall ensure that the time occupied in drying each sample is adequate according to the moisture contained in the tobacco and that only sufficient heat to drive out the moisture is applied to the oven; when excessive heat is applied in drying, the tobacco leaves, particularly those nearest the bottom of the pan, become charred or burnt, thereby causing the sample to show a larger percentage of moisture than it actually contains.

21. The standard weight of all raw leaf tobacco, scraps, cuttings, stems and waste tobacco shall be determined by the officer when first received into the manufactory; in case of difference between the officer and the manufacturer as to the percentage of moisture contained in tobacco, the facts shall be reported to the District Inspector of Excise whose decision shall be final.

22. All raw leaf, stems, scraps, cuttings, waste or other refuse of tobacco, when brought in, taken for use, produced in, removed from, or destroyed at any tobacco or cigar manufactory shall be entered in standard pounds and officers in charge of tobacco or cigar manufactories shall adhere strictly to the regulations in determining the standard weight of such articles.

23. The standard weight of all tobacco, cigarettes and cigars produced shall be determined by the officer, care being taken to ensure that the samples fairly represent the average moisture; the tests shall be taken at irregular intervals and not less frequently than once each month.

24. All raw leaf tobacco, stems, scraps, cuttings, waste and tobacco in process of manufacture when stock is taken shall be stated in standard

Excise Act—continued

pounds, and in all such cases the officer shall ensure that samples for drying fairly represent the moisture in each lot from which samples are taken.

Materials Brought into a Manufactory

25. Duty-paid foreign raw leaf tobacco shall be delivered only to licensed tobacco or cigar manufacturers; Form E.131 shall be prepared and submitted as required.

26. As soon as any raw leaf tobacco, other raw materials, or flavouring is received at the manufactory and before any portion thereof is taken for use the quantity shall be ascertained by the manufacturer and be immediately debited to the nearest pound in the Manufacturer's Daily Record under the supervision of the officer in charge, who shall test the accuracy of all weights.

27. The flavouring referred to in section 26 shall not include Specially Denatured Alcohol, Grade No. 1-C, rum, wine or any other liquid flavouring authorized by the Department; these materials will not be debited in the Manufacturer's Daily Record.

28. When there is any doubt as to whether any flavouring material should be debited, the officer in charge shall forward a sample to the Department for analysis and instructions; materials found by analysis to contain less than twenty-five per cent of solid matter will not be debited in the Manufacturer's Daily Record.

29. Due to the moisture content of flavourings, the net weight of all other flavouring material will be ninety per cent of the actual weight of materials as determined under supervision of the officer in charge, and this net weight will be recorded in the Manufacturer's Daily Record when received at or removed from any tobacco or cigar manufactory.

30. The officer in charge of each tobacco or cigar manufactory shall keep a record, in Book T.253B, of the weight of all packages of leaf tobacco or other materials received into the manufactory.

31. Flavouring received at or removed from a tobacco or cigar manufactory need not be examined by the officer in charge but the net weights determined under supervision of the officer shall be recorded by the manufacturer as in the case of other raw material.

32. (1) A ticket or tag, Form E.120, shall be placed upon each package when brought into the manufactory for other than immediate use showing,

- (a) the manufacturer's name;
- (b) the date;
- (c) the nature of the contents;
- (d) the original and serial number; (serial numbers commence with No. 1 at the beginning of each fiscal year);
- (e) the gross weight;
- (f) the tare;
- (g) the net weight;
- (h) the deduction for moisture;
- (i) the standard weight; and
- (j) the signature of the officer in charge.

Excise Act—continued

(2) The weights specified in subsection (1) are the weights as determined by weighing and testing.

33. Raw leaf tobacco, after being charged in the Manufacturer's Daily Record, shall not thereafter be removed from the manufactory to other than,

- (a) a tobacco manufactory;
- (b) a cigar manufactory;
- (c) a bonding warehouse;
- (d) when in original packages, the packer from whom the tobacco was originally purchased;
- (e) for export, accompanied by bond on Form D.57,

except by special permission obtained in each case from the collector.

34. A manufacturer who wishes to dispose of raw leaf tobacco as provided for in section 33 may do so under the authority of a special permit, Form E.132; a credit entry shall be made in the Daily Record.

35. The permit shall be made in duplicate for transfers between manufacturers, packers or Excise bonding warehouses within the same port; when the tobacco is intended for removal to such licensees in another port, the permit shall be made in triplicate.

36. The collector of the port from which the tobacco is shipped shall transmit to the collector of the port to which the tobacco is consigned two copies of the permit, Form E.132; the collector at the receiving port shall, as soon as the tobacco has been received and entered to the debit of the Daily Record of the consignee, return to the collector at the shipping port one copy of the permit bearing the proper acknowledgment of receipt of the tobacco.

37. Permits shall be numbered consecutively, beginning with No. 1 in each fiscal year; one copy of each permit issued shall be placed by the collector on a special file; the other copy, when returned by the officer in charge of the manufactory (if the transfer is within the port), or by the collector of the port to which consigned (if the tobacco has been removed to a manufacturer in another port), shall, after it has been examined by the collector in order to ensure that it bears the proper acknowledgment, be placed on a corresponding duplicate file.

38. A record of the permits issued for the removal or export of tobacco shall be kept in Book T.219.

Scraps, Cuttings and Stems

39. All scraps, cuttings, waste, stems, snuff flour, cut tobacco in bulk and fine cut shorts removed from one licensed premises to another shall be put in packages and numbered consecutively and marked with the gross, tare and net weight, the registered number of the manufactory where packed or from which removed, and the number of the port.

40. The weight of all such tobacco shall be determined by the officer when first received into the manufactory as in the case of other raw leaf tobacco.

Excise Act—continued

41. The weight of all such tobacco when produced in, removed from or destroyed at any tobacco or cigar manufactory shall be determined by the officer in charge.

42. Stems, waste and other refuse may be disposed of by the licensee without restriction, and credit shall be taken in the Daily Record for all such materials produced and disposed of.

43. Whenever any manufacturer of tobacco or cigars disposes of tobacco described in section 39 to another manufacturer of tobacco or cigars, to be used as raw material, he is permitted to do so under the authority of permit, Form E.132, in the manner provided for the removal of raw leaf tobacco.

44. Cuttings may not be packed for consumption by cigar manufacturers.

45. Tobacco, other than stems, waste and other refuse, which has undergone any process of manufacture whatsoever may not be shipped in an unmanufactured state to other than a manufacturer of tobacco or cigars, bonding warehouse or for export except upon special permission of the Department.

46. Upon abandonment or cancellation of a licence, all cutting machines, raw leaf tobacco, tobacco in process and manufactured tobacco or cigars in warehouse which the licensee cannot dispose of within a reasonable time may, at the discretion of the Minister, be destroyed in the presence of two officers who shall give a certificate of destruction in duplicate.

47. Scraps, refuse, cuttings, stems or sweepings of tobacco may be exported in bond under the regulations governing the export in bond of other raw leaf tobacco.

48. All scraps, cuttings, stems, cut tobacco in bulk, fine cut shorts and all partially manufactured tobacco whatsoever when brought into licensed premises shall be entered to the debit of the Manufacturers' Daily Record.

Re-Packing or Re-Working of Tobacco and Cigars

49. Before any tobacco, cigarettes or cigars may be re-packed or re-worked, due notice shall be given by the manufacturer and special permission obtained from the collector of the port where the manufactory is situated.

50. The manufacturer, in making application, on Form N.2, for permission to re-pack or re-work tobacco, cigarettes or cigars shall give full particulars of the quantity and description of the tobacco, cigarettes or cigars to be re-packed or re-worked, stating whether the same are of his manufacture or the product of another manufactory, and, if the latter, the name of the manufacturer; he shall also state the reason for requiring permission to re-pack or re-work such goods.

51. The quantity, by standard weight, of duty-paid or warehoused tobacco, cigarettes or cigars when taken for re-packing or re-working shall be debited in the Manufacturer's Daily Record and treated as raw material, the product of which shall be accounted for, stamped and treated as manufactured tobacco, cigarettes or cigars, the original product of the leaf.

Excise Act—continued

52. When cigarettes or cigars are entered for re-packing or re-working the weight to be so entered shall be the standard weight.

53. When duty has been paid on tobacco, cigarettes or cigars that are to be re-packed or re-worked, the stamps upon the packages shall be destroyed in the presence of two officers who shall keep a record of and furnish the collector with a certificate showing,

- (a) the registered number of the manufactory where the tobacco, cigarettes or cigars were manufactured;
- (b) the total number of stamps and their denominations; and
- (c) if imported, the name of the importer and the port where the tobacco, cigarettes or cigars were entered for duty.

54. When the tobacco, cigarettes or cigars to be re-worked or re-packed are in bond in the warehouse at the manufactory, an entry ex-warehouse for re-work shall be made and the warehouse account credited accordingly; the quantity, by weight, shall be debited as provided for in section 51.

55. No rebate shall be allowed or paid when the stamps on the packages containing tobacco, cigarettes or cigars have not been accounted for, and the stamps destroyed by burning in the presence of the officers as herein provided.

56. No rebate shall be allowed on tobacco, cigarettes or cigars which have been returned to the manufactory and are unfit for re-packing or re-working.

57. No rebate shall be allowed on manufactured tobacco or cigarettes re-worked unless the cigarettes have been broken and the tobacco mixed with not less than twenty-five per cent of the weight of processed tobacco which does not contain any tobacco taken for re-work.

58. No rebate shall be allowed on cigars re-worked unless they have been broken and mixed with not less than ten per cent of their own weight of processed tobacco which does not contain any tobacco taken for re-work.

59. The re-working of tobacco, cigarettes or cigars, the product of another manufacturer, may be permitted, but no rebate shall be allowed thereon, except by special permission of the Department.

60. Imported tobacco may only be re-worked duty paid.

61. When duty-paid tobacco, cigarettes or cigars are re-packed only, a rebate may be allowed at the same rates and under the same conditions as if taken for re-work, except that such goods need not be actually re-worked but must be produced immediately.

62. When duty has been paid on tobacco, cigarettes or cigars taken for re-packing or re-working, a rebate on the quantity entered for remanufacture may be paid to the manufacturer upon receipt of an application on Form N.4, accompanied by a sworn statement from him that the tobacco, cigarettes or cigars so taken have been re-packed or re-worked, together with a certificate of two officers of Excise to the effect that the stamps and, where necessary, the packages were destroyed in their presence; the certificate shall be countersigned by the collector; the rebate shall be as follows:

- (a) on tobacco,—the duty paid, less 3 cents per pound;

Excise Act—continued

- (b) on cigarettes,—the duty paid, less 20 cents per thousand; and
- (c) on cigars,—the duty paid, less 25 cents per thousand.

Manufactured Tobacco and Cigars

63. Where there is an uninterrupted operation of packing and stamping, tobacco and cigarettes shall be considered as produced when packaged and stamped, but where the stamping is a separate operation, tobacco and cigarettes shall be considered as manufactured or produced when packaged.

64. Cigars are considered to be produced when packaged for stamping or warehousing.

65. The actual weight, to the nearest pound, and the total quantity of cigarettes and cigars manufactured shall be determined and recorded in the Daily Record; the computation to determine the actual weight shall be carried to two decimal points and shall be checked by the officer in charge from test weights taken frequently during the month.

66. The moisture in excess of the standard contained in tobacco, cigarettes and cigars produced shall be deducted from the total quantity produced at the end of each month for determining production.

67. When the moisture content in chewing tobacco is determined, the percentage of moisture for deduction will be five per cent less than that ascertained by the percentage scale.

68. In tobacco factories where cigarettes are made, the weight of cigarettes produced during any month shall include the weight of the cigarette paper enclosing the tobacco; at the close of the month's business the cigarette paper used, in the proportion of 1.5 ounces per 1,000 cigarettes, shall be deducted from the total produced weight in the Manufacturer's Daily Record; this deduction shall be made before any adjustment is made for excess moisture in order that credit may not be given for moisture in the cigarette papers.

69. Except as provided in section 81, on or before the last day of each month, all tobacco, cigarettes and cigars produced during that month shall either be placed in warehouse or duty paid and when warehoused carried to the debit of the warehouse account.

70. Credit shall be taken for cigars unfit for packing or used for moisture tests after they have been counted in the presence of the officer in charge; the credit entry will be made in the column "Cigars Made" Daily Record, the entries being totalled to date and the proper deduction made; every such entry shall be initialled by the officer.

71. Every package containing tobacco, cigarettes or cigars on which duty has been paid shall have affixed thereto an Excise duty stamp in such manner as to effectively seal the package so that the contents cannot be removed without effectively breaking the stamp, and the stamp shall be of a denomination that correctly represents the contents of the package.

72. Every manufacturer of tobacco, cigarettes or cigars shall ensure that no greater quantity of tobacco or cigars is contained in the packages than the attached stamp is intended to cover, and the packages must in all cases be full; should any package containing tobacco or cigars at any time

Excise Act—continued

be discovered with stamps thereon for a quantity less than the package contains, the officer shall detain such package and report the circumstances through the collector to the Department.

73. Packages of domestic or imported tobacco, cigarettes or cigars shall have the stamp affixed to the package and not to an outer covering of paper or other material and the denomination and number of the stamp shall not be concealed in any manner; the stamp shall remain on the package as evidence that it is legally in the possession of the holder.

74. Stamps on packages of tobacco, cigarettes and cigars shall be attached at the manufactory, by the licensee; at the bonding warehouse by the licensee; and at the Customs bonding warehouse by the importer; when the importer is a manufacturer, permission may be given by the collector to affix and cancel the stamps at the manufactory; although the responsibility for the stamping of tobacco, cigarettes and cigars remains with the importer, owner of the warehouse or manufacturer, the officer delivering the imported or domestic goods shall supervise carefully the attaching and cancelling of the stamps.

75. The stamps shall be affixed to the packages with an adhesive material that will cause them to adhere to the wood, metal, paper or other packages securely and permanently.

76. The stamp on packages of Canada Twist shall be affixed in such manner as to prevent the package being opened or the contents removed without destroying the stamp.

77. When Canada Twist is manufactured but not packaged, the stamp shall be attached to each roll or coil by interlacing it through the coil when made and by bringing the two ends of the stamp once around the coil and fastening the whole securely by gum or paste.

78. For the purpose of these regulations, a package containing tobacco, cigarettes or cigars shall be deemed to be the container upon which the Excise duty stamp is to be affixed.

79. Every package of tobacco, cigarettes and cigars shall have shown thereon, in legible type, the name of the manufacturer or the registered number of the manufactory and the number of the port in which the manufactory is situated.

80. Except as provided for in section 120, manufacturers of tobacco, cigarettes or cigars shall sell only original completely filled and unbroken packages from their manufactory premises.

81. Except as otherwise provided for in section 122, cigar manufacturers may have in their manufactory at the end of any month a quantity of packed unstamped cigars not to exceed the quantity produced during the three previous days; this provision does not apply to goods in warehouse.

82. Tobacco and cigar manufacturers shall furnish daily to the officer in charge a detailed statement, on Form E.147, setting forth the number and denomination of all packages of manufactured tobacco, cigarettes and cigars produced and the respective quantities duty paid ex-factory or warehoused.

Excise Act—continued

83. (1) In a cigar or tobacco manufactory where cigarettes are made, the manufacturer shall, on the first day of each month, furnish, in respect of each type of cigars or cigarettes manufactured by him during the preceding month, a statement, on Form E.147, showing,

- (a) the number of each type of cigars or cigarettes so manufactured;
- (b) the weight per thousand of each type of cigars or cigarettes so manufactured;
- (c) the total weight of each type of cigars or cigarettes so manufactured; and
- (d) the total number and weight of all types of cigars or cigarettes produced and their average weight per thousand.

(2) Scales for the purposes of subsections (1) shall be provided by the licensee.

Imported Stamped Packages

84. Under Customs regulations, stamps for manufactured tobacco, cigarettes and cigars are available to foreign manufacturers, to be affixed to packages for shipment to Canada, and may be obtained on application to the Deputy Minister; such imports shall comply in every respect with the regulations governing similar goods of domestic manufacture.

Destruction of Forfeited Tobacco, Cigarettes and Cigars

85. Except as provided by section 86, tobacco, cigarettes and cigars forfeited under the provisions of the Excise Act shall be disposed of in accordance with instructions received from the Department in respect of each lot; when destruction is ordered, it shall be effected by burning by or in the presence of two officers of Excise who shall furnish a certificate of destruction duly signed by both of them.

86. Tobacco and cigarettes constituting the stock or part of the stock of a tobacco manufactory, or cigars constituting the stock or part of the stock of a cigar manufactory, which stock has been forfeited to the Crown under the provisions of the Excise Act, may either be offered for sale by written tender to other tobacco or cigar manufacturers, or be destroyed in the manner set forth in section 85.

87. Where members of the Royal Canadian Mounted Police, acting as officers of Excise, have seized or assisted in the seizure of tobacco, cigars or cigarettes subsequently ordered to be destroyed, one of the officers making the joint certificate of destruction shall be a member of the Royal Canadian Mounted Police and the other shall be an officer of the port in the care of the collector in which the seized goods have been delivered.

Warehousing and Ex-Warehousing of Manufactured Tobacco, Cigarettes and Cigars

88. In addition to the General Warehousing Regulations (Circular No. 327-C), the following sections 89 to 100 apply specifically to tobacco, cigarettes and cigars.

89. Except as provided by section 81, all tobacco, cigarettes and cigars produced and which at the end of each month have not been entered ex-factory and properly stamped shall be placed in warehouse and a warehouse entry, Form B.51, passed therefor.

90. When tobacco, cigarettes and cigars are ex-warehoused, credit shall be taken in the Warehouse Account.

Excise Act—continued

91. Cigars, cigarettes and tobacco shall be stored in the warehouse in lots according to the denomination of the packages.

92. When ex-warehousing for duty, the manufacturer may take the tobacco, cigarettes from any lot in warehouse, provided the number of packages and denominations are the same as those upon which he has paid duty, and the officer shall ensure that all packages delivered are immediately stamped with the requisite stamps.

93. An entry Ex-Warehouse for Consumption on Form B.52, in triplicate, shall be passed for all goods ex-warehoused for duty and shall have written across the face thereof the following certificate, signed by the officer in charge:

“I hereby certify that the goods represented by this entry have been delivered from warehouse, and that the stamps, duly affixed, represent the full duty payable on these goods.

.....
Officer's Signature.”

94. All goods entered for export shall be examined by the officer in charge, and the certificate required by section 32 of the General Warehousing Regulations (Circular No. 327-C) shall appear upon the export entry, Form B.54.

95. When tobacco, cigarettes and cigars are ex-warehoused for shipment in bond, such removal shall be made in the usual manner as provided by the General Warehousing Regulations (Circular No. 327-C) and the shipment shall be accompanied by permit, Form E.117.

96. Tobacco, cigarettes and cigars may not be entered for warehouse or for ex-warehouse in quantities less than,

- (a) 100 pounds of tobacco;
- (b) 2,000 cigarettes; or
- (c) 2,000 cigars;

except for shipment to the persons specified in section 97, paragraphs (f) to (l), for export, or for ships' stores when shipped direct from the licensed premises to the vessel of lading.

97. Tobacco, cigarettes and cigars may be removed in bond, without payment of Excise duty, from any tobacco or cigar manufactory or bonding warehouse to or for the following purposes exclusively:

- (a) another tobacco manufacturer (tobacco only);
- (b) another cigar manufacturer (cigars only);
- (c) another bonding warehouse;
- (d) export;
- (e) ships' stores;
- (f) the Governor General of Canada and his staffs upon written application personally signed by the Comptroller of the Household and in his absence by the senior Aide-de-Camp, the Confidential Clerk or the Clerk Accountant;
- (g) Heads of Diplomatic Missions accredited to Her Majesty in Canada, upon written application personally signed by the Head of the Mission;
- (h) High Commissioners representing other of Her Majesty's Governments in Canada, upon written application personally signed by the High Commissioner;

Excise Act—continued

- (i) Trade Commissioners and Assistant Trade Commissioners representing other countries in Canada whose country extends similar privileges to Canadian Trade Commissioners and Assistant Trade Commissioners, upon written application signed by such Trade Commissioners;
- (j) Counsellors, Secretaries and Attaches at Legations and offices of High Commissioners in Canada whose governments accord the same privilege to Canadian officials holding corresponding posts in the countries represented by such Legations and offices of the High Commissioners, upon written application personally signed by the Head of the Mission, or the High Commissioner;
- (k) Consuls General, Consuls and Vice-Consuls of foreign nations who are natives or citizens of the country they represent and who are not engaged in any other business or profession, upon written application personally signed by the supervising Consul General or otherwise by the Head of the Mission;
- (l) such other persons as the Minister may from time to time determine.

Ships' Stores

98. Goods may be shipped from a manufactory to

- (a) a Customs bonding warehouse for ships' stores or removal to a manufacturer, or
- (b) an Excise bonding warehouse for ships' stores, export or removal to a manufacturer.

99. The regulations set forth in the General Warehousing Regulations (Circular No. 327-C) shall further govern the warehousing and ex-warehousing for ships' stores.

100. Tobacco, cigarettes or cigars may not be ex-warehoused for ships' stores to any vessel for use while in port in Canada nor to any fishing vessel whose probable duration of voyage is less than fifteen days; this provision does not apply to warships.

NOTE: See Circular No. 8-C for "Regulations Governing Ships' Stores".

Deficiency or Surplus on Removal or Export

101. Where a discrepancy is found to exist, an entry for warehouse shall be made for the quantity actually received at the point of destination.

102. Whenever the quantity warehoused differs from the quantity stated in the removal entry, a detailed statement, on Form 112A, shall be made in duplicate showing the deficiency or the surplus, one copy thereof shall be transmitted to the Department attached to the entry for warehouse and the other to the collector of the port from which the goods were removed.

103. When the discrepancy represents a deficiency, the collector of the port from which the goods were removed shall cause the consignor to pass an entry for consumption for the quantity so deficient and shall collect the duty thereon; the collector shall also direct the Department's attention to the special nature of such entry by writing across the face thereof "To account for deficiency on Removal Entry No."; this entry shall bear the entry number of the port as an entirely separate transaction.

104. As the entry ex-warehouse for consumption dealt with in the preceding sections will be a second credit, the account will be charged with

Excise Act—continued

the same amount on a warehouse entry having written across the face thereof the words "To account for deficiency on Removal Entry No." in order that the correct balance may be maintained.

105. When the discrepancy represents a surplus, two entries shall be passed by the consignor, one for warehouse and the other ex-warehouse for removal; there shall be written across the face of each entry the words "Supplementary to Entry No."; these entries shall also receive the port entry numbers.

106. Where a deficiency is found in partially manufactured tobacco removed or exported, the collector shall cause the consignor to pass an entry for consumption, Form B.52, for the quantity so deficient and shall collect duty at the prevailing rate applicable to manufactured tobacco.

Excise Duty Stamps, Supply of, to Ports

107. Excise duty stamps are supplied by the Department upon requisition made on Form E.104, in triplicate, sufficiently in advance to ensure having a supply on hand equal to the probable demand for two months; on receipt of a parcel of stamps, the collector or other officer receiving same shall verify the contents of such parcel immediately.

108. The Department will mail, under separate cover, duplicate and triplicate copies of Form E.104, setting forth the stamps actually supplied; when the count of stamps agrees with the requisition, the duplicate copy shall be receipted by the officer and returned to the Department; the triplicate copy of the requisition shall be filed.

109. When the number of stamps received does not agree with the requisition, the Department shall be immediately notified.

110. A separate account shall be opened for each denomination of stamps, stating on the debit side the number received and on the credit side the number issued; on opening the account the debit side shall commence with the number of stamps then on hand of the denomination to which it relates.

111. Detailed information respecting supply of Excise duty stamps will be found in Regulations in respect of Excise Stamps, Circular 807-C, as revised.

Excise Duty Stamps, Supply of, to Licensees

112. Licensees shall, upon payment of duty, pass entries and make requisitions to the collector, on Forms B.56, B.57 and B.58, in quadruplicate, for stamps in any desired quantity in the denominations supplied for tobacco, cigarettes or cigars.

113. A copy of the requisition entry, bearing the port stamp and entry number as evidence of purchase, shall be supplied to the officer in charge of the manufactory; it shall bear a serial requisition number commencing, in respect of each manufactory, with No. 1 at the beginning of the fiscal year.

114. (1) A refund of the duty paid on stamps damaged through any operation at a manufactory may be paid upon receipt of a certificate of destruction, signed by two officers of Excise, to the effect that the stamps have been destroyed by burning, upon application being made, on Form N.4, accompanied by one copy of such certificate; the amount of refund shall be,

(a) on tobacco—the duty paid, less three cents per pound;

Excise Act—continued

- (b) on cigarettes—the duty paid, less twenty cents per thousand;
- (c) on cigars—the duty paid, less twenty-five cents per thousand.

(2) The applications referred to in subsection (1) shall be made quarterly.

115. Damaged stamps may be returned to stamp stock at the manufactory and an equivalent number of the same denomination taken for replacement; as credit has already been taken in the Stamp Account, no further entries are required.

116. A credit entry shall be made in the Stamp Account when the stamps have been disposed of by destruction in accordance with the certificate.

117. When stamps are received by a licensee, they shall be debited in the Stamp Account, and credited when taken for use.

118. In cigar manufactories the balance of the Stamp Account at the end of each month must equal or exceed the quantity of unstamped packed stock on hand other than stock in warehouse.

Cigar Samples

119. Duty-paid boxes of cigars may be permitted to remain open in any cigar manufactory, upon the following conditions only:

- (a) that the number of boxes remaining open in any manufactory shall not at any one time exceed three;
- (b) that the stamps thereon shall be cut or broken in the presence of an officer of Excise, unless the packages are taken from those which may have been brought in with cut stamps and placed in bonding warehouse or Crown locked compartment as hereinafter provided;
- (c) that the officer shall so mark the package by writing the date when opened and placing his signature thereon, so that it can be thereafter identified by him; and
- (d) that immediately every such package is emptied the manufacturer shall inform the officer of the fact, and thereupon such empty package and the stamp thereon shall be destroyed in the presence of the officer.

Packages Returned to Licensed Premises with Cut Stamps

120. Completely filled packages of tobacco, cigarettes and cigars, the stamps on which may have been cut or broken after being removed from the manufactory, and which the manufacturer may desire to have returned thereto, may be brought into the manufactory under the following conditions:

- (a) the packages with cut stamps when received at the manufactory shall at once be placed in the bonding warehouse and kept separate from all other goods therein or otherwise be placed in a Crown locked compartment, and they shall remain in said warehouse or compartment until such time as the manufacturer may desire them for immediate removal from the manufactory or for re-working, except that cigars may be taken for use by the manufacturer as provided by section 119;

Excise Act—continued

- (b) memo entries shall be made in the warehouse account, when the packages are brought into or removed from the bonding warehouse; and
- (c) any packages with cut stamps brought into the manufactory without an account being taken of them by an officer, and the packages and contents secured in bonding warehouse or Crown lock compartment, or which may be found in the premises with stamps cut otherwise than as herein provided, shall render the manufacturer so offending liable to the penalties prescribed by the Excise Act.

Stock-Taking

121. As of March 31 of each fiscal year, stock shall be taken in all tobacco and cigar manufactories by the licensee under the supervision of the Excise officer in charge as follows:

- (a) all packages of raw leaf tobacco shall be counted and a sufficient number weighed to satisfy the officer in charge that the weight represented on the tags is in accordance with the facts;
- (b) all broken or part packages of raw leaf tobacco, partially manufactured tobacco and other materials shall be weighed and tested;
- (c) all quantities of tobacco, loose cigarettes, stems, waste and other materials in process of manufacture shall be weighed and tested;
- (d) unpacked cigars shall be counted and weighed and the quantity expressed in standard pounds; and
- (e) all packages of manufactured tobacco, cigarettes and cigars in warehouse shall be counted.

122. No packed unstamped packages of tobacco, cigarettes or cigars shall be in the manufactory at the close of the fiscal year.

123. The result of stock-taking shall be included in the Annual Statement, Form G.56 (for tobacco) and G.66 (for cigars).

124. When a surplus is found at stock-taking it shall be charged at the beginning of the next fiscal year in the manufacturer's books in the respective accounts.

125. Tobacco and cigar manufacturers shall produce one pound (standard weight) of manufactured tobacco or cigars from each pound of standard raw leaf tobacco, scraps, cuttings and other materials used during the period between any two stock-takings.

126. The discrepancy between the raw leaf tobacco and other materials taken for use and the manufactured tobacco, cigars and other products resulting therefrom, during the period between any two stock-takings, shall not exceed six per cent.

127. Collectors, unless otherwise instructed, shall collect from tobacco manufacturers duty at the current rate upon the quantity of tobacco deficient in excess of six per cent.

128. Where a deficiency is found to have arisen between the quantity of raw leaf tobacco, scraps, cuttings and other materials used in a cigar manufactory and the weight of the cigars produced, Excise duty at the current rate will be collected upon the cigars equivalent to the quantity in pounds of tobacco found deficient in excess of six per cent.

Excise Act—continued

Example

Tobacco, etc., used2,000 lbs.
Standard production 94 per cent1,880 “
Cigars produced 90,000 weighing1,800 “
Deficiency in production 80 “
As 1,800 pounds of tobacco were used to produce 90,000 cigars
thus 1 pound of tobacco was used to produce 50 cigars
Therefore assessable deficiency is $50 \times 80 = 4,000$ cigars.

129. Where there is no deficiency in production but a deficiency is found in unpacked cigars, the duty shall be collected upon the deficiency in unpacked cigars and the manufacturer may then take credit in column “Cigars Made” of his Daily Record for the quantity so deficient in the unpacked cigar account to bring the Daily Record into accord with stock.

130. Duties payable under sections 127, 128 and 129 shall be accounted for on Form B.52, which must contain a full explanation of the source from which they were derived.

Returns

131. On or before the third working day of each month every tobacco and cigar manufacturer shall prepare and deliver to the officer in charge a return on Forms K.53 and K.54, respectively, in triplicate, which shall be separate and distinct for each month and shall relate to the month last preceding the date of making such return; the officer in charge, after having the return checked and attested by the licensee and the foreman, shall forward all three copies to the collector, who, after checking and signing the return shall retain one copy, forward one copy to the District Inspector of Excise, and the other to the Department.

132. On or before the tenth day of April in each year or upon the discontinuance of licence, the officer in charge shall prepare an Annual Statement on Form G.56 (for tobacco) or G.66 (for cigars), in quadruplicate, which shall be a complete and accurate record of the books and monthly returns for the transactions occurring in the previous fiscal year; this statement shall be attested by the manufacturer as to the correctness of quantities stated herein; all four copies shall be forwarded to the collector for checking and by him to the Inspector of Excise who, upon checking and signing them, shall retain one copy for his files, return one copy to the officer in charge and forward one copy each to the Department and the collector.

Office Accommodation

133. The licensee shall supply suitable office accommodation for the exclusive use of the Excise staff and such accommodation shall be separate and distinct from the licensee’s executive offices; all premises so provided shall be heated, lighted and equipped with office furniture and facilities to the satisfaction of the Department and shall be maintained in a clean and sanitary condition, the total cost thereof to be borne by the licensee.

Officers

134. The chief officer at a manufactory classified as a special survey shall be known as Excise Officer in Charge.

Excise Act—continued

135. In all surveys where the Department deems it advisable, the officer in charge may be provided with an assistant to be known as Second Officer.

136. The officer in charge shall be responsible to the collector for the supervision of the manufactory staff and allocation of officers for duty in the various departments of a manufactory.

Books to be Kept by Licensees

137.

By tobacco manufacturers:	By cigar manufacturers:
Tobacco Manufacturer's	Cigar Manufacturer's Daily Record
Daily Record, T.217A	T.217B
Stamp Account T.217C	Stamp Account T.217C

Books to be Kept by Officers in Charge

138.

Tobacco Re-weighed and Tested T.253B
 Pocket Weighing Book T.254
 Denomination Book (Tobacco) T.218

(For Customs Use)

Officer's Record of Raw Leaf T.244B (Tobacco Manufacturers)
 Officer's Record of Raw Leaf T.244C (Cigar Manufacturers).

Tobacco Cutting Machines

139. Tobacco cutting machines of the types herein specified may be held in possession and used, for the purposes and under the conditions indicated; by the following persons exclusively:

Persons	Type of Tobacco Cutting Machine	Purposes	Conditions
(a) Licensed tobacco or cigar manufacturers.	Any type.....	For use only on their licensed premises.	Upon being licensed as a tobacco or cigar manufacturer.
(b) Persons dealing in tobacco at retail.	Lever press machines having a cutting blade operated manually by the vertical movement of a lever.	For cutting duty paid "Plug" tobacco for immediate sale and delivery to their customers.	Upon signing a declaration on Form L.7 and receiving a permit on Form M.9
(c) Cultivators of tobacco referred to in Section 226 of the Excise Act.	Hand cutting knife, being a metal blade not exceeding twelve inches in length one end of which is attached by means of a metal bolt or hinge to a wooden board and the other forming a handle which is operated by a vertical movement and not to include any form of rotary cutter or power driven machine whatsoever.	For cutting on the farm or premises on which the tobacco is grown, for the sole use of himself and such members of his family as are resident with him on the said farm or premises, and not for sale, a quantity not exceeding thirty pounds of home grown raw leaf tobacco in any one fiscal year for each adult male member of such family.	Without restriction except as otherwise herein specified.

Excise Act—continued

140. All persons, other than those specified in section 139, having in their possession any tobacco-cutting machines are required to notify the Collector of Customs and Excise and the collector shall cause the same to be so fastened or sealed as to render them incapable of being used without the removal of the seal, and any such machine found unsealed, whether previously sealed by an officer of Excise or not, shall be forfeited and may be seized and removed by any officer of Excise.

Sale of Tobacco, Cigarettes and Cigars

141. (1) Licensed manufacturers shall sell whole packages only, each package bearing the requisite stamp properly affixed, but caddies of domestic plug tobacco sold by licensees to wholesale dealers may be split or divided by such dealers subject to the following provisions:

- (a) the tobacco shall be taken from a properly stamped package;
- (b) each plug shall have attached thereto the manufacturer's tag or brand;
- (c) the re-packing shall consist of not less than one pound of tobacco, and shall be placed in a suitable box of cardboard or other material; and
- (d) a label (Form E.140), supplied by the Department upon requisition and signed by the dealer, shall be affixed to each unstamped container, such label to be worded as follows:

"This tobacco is the manufacture of

 and has been taken from a container bearing duty paid stamp
 No.

Dealer's name

Address

Notice.—The contents of this package may only be removed for sale to a customer, and when the package is empty it shall be immediately destroyed."

(2) Licensees shall notify their wholesale dealers of the requirement of this section to ensure that part caddies upon being offered for sale at retail will bear proper evidence that the duty has been paid.

142. No lesser quantities than those hereunder set forth shall be sold or removed from any licensed manufactory:

- (a) one pound of manufactured tobacco;
- (b) one hundred cigarettes; or
- (c) one package containing not less than ten cigars, or if in packages of less than ten cigars, one hundred cigars.

143. RETAIL DEALERS may have in possession, offer for sale or sell whole packages only, with stamps unbroken, except in the case of

- (a) plug tobacco;
- (b) cigars; and
- (c) snuff;

but these goods may not be withdrawn from the stamped package until actually offered for sale to a customer.

Excise Act—continued

10. Regulations Governing Tobacco Packers and Canadian Raw Leaf Tobacco

842C, Revised.

The following regulations, effective on and after March 1, 1947, are established by the Minister of National Revenue under authority of the Excise Act, 1934, and Amendments.

REGULATIONS

Definitions

1. For the purpose of these regulations the following definitions are established:—

- (a) "Canadian raw leaf tobacco" means tobacco grown in Canada, in its natural state, not further processed than cured and tied in hands, and broken portions of the leaf known as scrap tobacco, but does not include stems and waste resulting from any process of handling such tobacco.
- (b) "tobacco packer" means a person licensed as such under the Excise Act, who purchases, prepares, stores, packs, packages, stems, has in possession and/or sells Canadian raw leaf tobacco.
- (c) "tobacco grower" means a person who grows and cures tobacco, and keeps same on his premises for sale to licensed packers, tobacco and cigar manufacturers, or for export.

Applications for Tobacco Packer's Licence

2. Every person who performs any of the operations coming within the definition of "tobacco packer" shall be licensed as a tobacco packer.

3. The annual licence fee of fifty dollars shall be paid, and the bond of a guarantee company approved by the Minister in the sum of One Thousand Dollars, shall be furnished, before a licence may be issued.

4. Original applications for licence shall be made to the Collector of Customs and Excise within the limits of whose port the tobacco packer intends to transact business. Such applications shall be made on Form L. 1 amended, *in triplicate*, and be accompanied by the following documents:—

- (a) Complete plans, drawn to scale in ink, on tracing cloth, or printed, *in triplicate*.
- (b) Form E-110, *in triplicate*.
- (c) Form E-114, *in duplicate*.

5. Plans and specifications shall bear the same date as all accompanying forms and shall be signed by the applicant or his duly authorized agent.

6. Applications for original, renewal, or transfer of licence, and changes in the premises, will be governed by regulations contained in Circular G-255 as revised.

7. Applications for licence are not to be accepted by Collectors unless the premises to be licensed are entirely separate and distinct from any place of residence and from any place where tobacco or tobacco products are sold by retail.

Excise Act—continued

8. The Deputy Minister, upon authorizing issue of a new licence (on Form M. 13), will allot each tobacco packer a designating number, which shall be assigned by the Collector, and which shall not thereafter be changed.

9. If a licence be granted to any person or firm not located in a municipality which has a resident Customs-Excise officer, any necessary travelling and other expenses incurred in the supervision thereof shall be borne by the licensee.

TOBACCO GROWERS

10. A tobacco grower may prepare, pack, and dispose of tobacco grown by him on his own land or premises, to the following persons and to none other:—

- (a) a licensed tobacco packer;
- (b) a licensed tobacco manufacturer;
- (c) a licensed cigar manufacturer;

or he may export such tobacco, with permission of the Collector of Customs and Excise, using permit Form E.132.

11. A tobacco grower is not permitted to deal in Canadian raw leaf tobacco other than that grown on his own land or premises.

12. Should a grower desire to receive, purchase, prepare, store, pack, package, stem, or have in possession, Canadian raw leaf tobacco other than that grown on his own land or premises, or to sell or dispose of Canadian raw leaf tobacco other than as provided by section 10, he shall be licensed as a tobacco packer.

**PERMIT FOR TRANSPORTATION OF UNSTAMPED CANADIAN RAW LEAF
TOBACCO FROM GROWER TO LICENSEE**

13. The transportation of unstamped Canadian raw leaf tobacco WITHOUT A PERMIT is prohibited .

14. Serially numbered permit form *in duplicate* (Form E.133), will be issued by Collectors of Customs and Excise to licensees (viz. tobacco packers, tobacco manufacturers and cigar manufacturers), and Collectors shall keep a careful record of the serial numbers.

15. Licensees will be required to account for every permit form entrusted to them and failure to do so shall constitute a breach of these regulations.

16. Licensees, having purchased Canadian raw leaf tobacco from a tobacco grower, shall fill in, *in duplicate*, the information called for on the permit form and present same to the Excise Officer in Charge for signature.

17. The Excise Officer in Charge shall sign both copies of the permit if same is found to be in order and if desired, may post date the granting of the permission to agree with the first delivery date shown in the body of the application.

18. These permits shall expire automatically after six clear days from the date of issue whether used or not. The six day limitation may be extended, however, at the time of issue, to a period not exceeding 120 days

Excise Act—continued

in cases where a licensee makes a *bona fide* written contract to purchase the crop of a grower and where such purchase exceeds one thousand pounds. The permit form is to be altered accordingly.

19. The ORIGINAL permit will be given to the licensee and be forwarded by him to the grower. The DUPLICATE permit will be filed by the Excise Officer in Charge, in consecutive order, on a special duplicate file.

20. The grower and the carrier shall ensure that the permit accompanies the tobacco to which it relates during transportation to the licensee and it shall be promptly produced for inspection by any officer of the Department of National Revenue or any member of the Royal Canadian Mounted Police, who shall endorse same as evidence of examination. Failure to produce a valid permit shall render the tobacco liable to seizure and forfeiture, together with all horses, vehicles and vessels which have been or are being used in transporting same.

21. The grower or carrier shall present his permit to the licensee on delivery of each and every load or lot and the licensee shall record, in the space provided the date and quantity, followed by his signature.

22. The grower or carrier shall surrender the permit to the licensee immediately upon delivery of the entire quantity at the licensed premises, or upon its expiration whether the tobacco is delivered or not.

23. The licensee shall return the permit to the Excise Officer in Charge, within two clear days from the date of its expiration, whether the tobacco is delivered or not.

24. The Excise Officer in Charge shall file all returned original permits on a separate file after having compared same with the duplicates.

25. In the event of a licensee refusing to accept delivery of a load or lot of Canadian raw leaf tobacco which has been transported under permit by a grower, such rejected tobacco may be legally returned to the premises of the grower only when accompanied by SPECIAL PERMIT FOR RETURNS OF REJECTED TOBACCO (Form E. 138), properly executed by the licensee or his agent. These permits are to be prepared and dealt with in accordance with the instructions printed thereon. Illegal use of same constitutes a breach of these regulations.

26. SPECIAL PERMIT FOR RETURN OF REJECTED TOBACCO, Form E. 138, will be serially numbered and prepared in sets of three, in booklet form, for convenience. Collectors will issue these booklets to licensees after making careful record of the serial numbers.

27. When Canadian raw leaf tobacco is to be delivered by growers to temporary storage or concentration points for furtherance to the premises of the licensee, the permits on Form E. 133, given by licensees to growers, shall cover transportation from the growers' premises to the concentration point only. All tobacco so delivered shall be signed for on the permit by the licensee's agent or representative and upon completion of the delivery or expiration of the permit the grower shall surrender the permit to the agent or representative who shall forward same to the licensee for return to the Excise Officer in Charge.

Excise Act—continued

28. Special blanket permits on Form E. 133, valid for a period not exceeding thirty days, may be issued to licensees by Excise Officers in Charge to cover transportation of the tobacco from the concentration point to the licensed premises. The licensee shall be responsible for return of these permits to the Excise Officer in Charge on or before the date of their expiration.

29. When special blanket permits on Form E.133, are used, the quantity and information to be entered in book T278A, "Tobacco Packers' Daily Record", shall be taken from the licensees' invoices, receipts or sales slips and the company's agent or representative at the concentration point shall insert on the invoice, receipt or sales slip the serial number of the grower's permit (Form E. 133). These quantities are to be checked by the Officer in Charge against the original permits when same are returned.

30. If the licensee has no agent or representative at the concentration point and the tobacco is being consigned by railway, steamship or other common carrier, to the licensee, the grower shall, upon completing delivery of the tobacco to the common carrier, forward his permit by mail to the licensee.

31. The Excise Officer in Charge shall compare the returned original permit file with the duplicate permit file not less frequently than once each week. The serial number and information contained on all original permits which have not been returned, as required by these regulations, shall be reported to the Collector for necessary action.

TREATMENT OF CANADIAN RAW LEAF TOBACCO BY TOBACCO PACKERS

32. The quantity, in pounds, of Canadian raw leaf taken into the premises is to be recorded as a debit in the "Tobacco Packer's Daily Record", Book T.278A, which shall also show the name and address of the person from whom received together with the serial number of the permit under which the tobacco was transported to the licensed premises.

33. Canadian raw leaf tobacco may be packed for the trade in any manner desired, but when packed for other than immediate shipment, a tag, Form E. 120, shall be placed on each package, showing:

- (a) the name and address of the licensed packer;
- (b) the date;
- (c) the nature of contents;
- (d) the gross, tare and net weights.

Company tags or cards may be used in lieu of tag, Form E.120, if desired.

34. Canadian raw leaf tobacco, upon which duty has not been paid, may be disposed of by tobacco packers under authority of "Removal Permit", Form E.132, to the following persons or for the following purposes, and not otherwise:

- (a) a licensed tobacco manufacturer;
- (b) a licensed cigar manufacturer;
- (c) a licensed bonded warehouse;
- (d) another licensed tobacco packer;
- (e) export.

NOTE.—"Removal Permit", Form E.132, is not to be used when disposing of Canadian raw leaf tobacco for fertilizer or insecticide purposes. (See Section 51.)

Excise Act—continued

35. "Removal Permit", Form E.132, is to be made *in duplicate* for transfers from one licensee to another within the same port. When the tobacco is intended for removal to a licensee in another port, the permit is to be made *in triplicate*.

36. The Collector of the port from which the tobacco is shipped is to transmit to the Collector of the port to which the tobacco is consigned, two copies of the permit, Form E.132. The Collector at the receiving port will, so soon as the tobacco has been received and entered to the debit of the "Daily Record" of the consignee and in Book T.219, "Record of Raw Leaf Tobacco Brought Into Or Removed From Licensed Premises", return to the Collector at the shipping port one copy of the permit bearing the proper acknowledgment of receipt of the tobacco.

37. These permits shall be consecutively numbered beginning with No. "1" in each fiscal year. One copy of each permit issued will be placed, by the Collector, on a special file. The other copy, when returned by the Excise Officer in Charge of the licensed premises (if the transfer is within the port), or by the Collector of the port to which consigned (if the tobacco has been removed to a licensee in another port), shall, after it has been examined by the Collector in order to see that it bears the proper acknowledgment, be placed on a corresponding duplicate file.

38. A port record of the permits issued for the removal or export of the tobacco referred to under this heading shall be kept in Book T.219.

39. When Canadian raw leaf tobacco is exported the same procedure will be followed as in the case of stemmed leaf tobacco. (See Section 50.)

40. The ascertained quantity, in pounds, of Canadian raw leaf tobacco disposed of is to be shown as a credit in the respective columns of the "Tobacco Packer's Daily Record", together with the name and address of the consignee.

STEMMING OF CANADIAN RAW LEAF TOBACCO

41. Tobacco packers are permitted to stem Canadian raw leaf tobacco.

42. The stemming of Canadian raw leaf tobacco is to be carried on exclusively on premises licensed under the Excise Act and any packer who permits tobacco to be stemmed for him otherwise than on his own licensed premises shall be liable to cancellation of his licence in addition to any other penalties prescribed by the Excise Act.

43. The quantity, in pounds, of Canadian raw leaf tobacco taken for stemming is to be credited in the "Tobacco Packer's Daily Record", T.278A, and debited in the "Tobacco Packer's Stemming Record", T.278B.

44. Stemmed raw leaf held in stock on the packer's premises shall be stored separate and distinct from unstemmed leaf, and shall be tagged as in the case of unstemmed leaf. (See Section 33.)

45. The licensee shall record, day by day, or as frequently as transactions occur, in the "Tobacco Packer's Stemming Record", T.278B, the quantity of leaf stemmed and disposed of; the manner in which same was disposed of; also the quantity of stems and waste produced and how disposed of. Broken portions of leaf, known as scrap, is to be disposed of by return to the "Packer's Account". All weights are to be recorded in pounds net.

Excise Act—continued

46. Discrepancies between the quantity of stemmed leaf produced and the quantity shipped may be accounted for by entries in the "Daily Record" during the current month. Deficiencies are not to exceed ten per cent of the quantity produced.

47. Stems and waste may be disposed of without restriction except that when shipped to a licensee, Permit Form E.132 is to be used.

48. Stemmed leaf may be removed to, or for the following purposes exclusively, Form E.132 being used:

- (a) a licensed tobacco or cigar manufactory;
- (b) a bonding warehouse;
- (c) a licensed tobacco packer;
- (d) export in bond.

49. Tobacco packers may case Canadian raw leaf tobacco with fluid flavouring materials before the actual stemming operation, provided an undertaking be given to the department in writing to the effect that all unstemmed raw leaf cased will be stemmed.

EXPORTATION

50. When Canadian raw leaf tobacco (stemmed and unstemmed) is exported by a licensed tobacco packer or a grower, the consignor will be required to complete Form E.132, *in duplicate*, altered to suit export purposes, with an accompanying Form D.57 (Export Bond), which bond will be given in an amount of double the current rate of duty on manufactured tobacco. The necessary B.13 Customs form shall be made *in quadruplicate*. One copy of Form E.132 shall be retained at the port office, and the duplicate forwarded to the port of exit for certification by the Customs Officer and return to the consignor port, together with one copy of the completed B.13, which will be attached to the bond, Form D.57, and will constitute cancellation of bond.

TOBACCO FOR FERTILIZER, INSECTICIDE, ETC.

51. Canadian raw leaf tobacco unfit for sale, including broken portions of leaf, known as scrap, may be disposed of without restriction for fertilizer, insecticide or other similar purposes, provided it has been rendered unfit for smoking by spraying or mixing, in the presence of the Excise Officer in Charge, with not less than the proportions shown of any of the following denaturants:

- (a) ten per cent by weight of kerosene,
or
- (b) ten per cent by weight of peat moss,
or
- (c) ten per cent by weight of bone meal,
or
- (d) ten per cent by weight of sulphur,
or
- (e) five per cent by weight of lime hydrate,
or
- (f) a mixture consisting of twenty-five pounds of naphthaline dissolved in gasoline, to which is then added one-half gallon of carbolic acid, —this quantity to be added to each one thousand pounds of tobacco;

Excise Act—continued

(g) any other departmentally approved denaturant.
Credit for the tobacco content is to be entered in the "Tobacco Packer's Daily Record" as "destroyed" by authority of this circular.

STEMS AND WASTE

52. Stems and waste may be disposed of by the licensee without restriction but such stems and waste are to be weighed and the net pounds so found are to be recorded in the proper column as a credit in the "Tobacco Packer's Daily Record" or "Tobacco Packer's Stemming Record" as the case may be. Credit may not be taken for stems in the "Tobacco Packer's Daily Record".

CANADIAN RAW LEAF TOBACCO FOR CONSUMPTION

53. Excise duty at the rate prescribed by the Excise Act shall be paid by the licensee on all Canadian raw leaf tobacco sold for consumption.

54. No less quantity than five pounds of Canadian raw leaf tobacco shall be sold or removed from the premises of any licensed tobacco packer.

55. Excise duty shall be paid on all Canadian raw leaf tobacco samples used by the trade, by means of stamps, which are to be affixed as in the case of Canadian raw leaf tobacco for consumption.

REPACKING AND REFUND

56. When duty paid Canadian raw leaf tobacco is returned to a licensed tobacco packer for repacking a refund of the Excise duty paid, less one cent per pound, may be given under the following conditions:

- (a) The licensed tobacco packer shall notify the Collector of his intention to apply for refund and shall give particulars as to the quantity to be repacked.
- (b) The Excise Officer is to ensure that there is affixed to each hand of tobacco for repacking a complete, unbroken and legibly cancelled stamp bearing the registered number of the licensed packer applying for such refund.
- (c) The quantity, in pounds, as represented by the stamps attached to the hands, shall be debited in the "Tobacco Packer's Daily Record".
- (d) The stamps are to be detached from the hands by the licensed packer in the presence of the Excise Officer who will forward the stamps to the Collector for checking against the claim for refund and for later destruction.
- (e) A statement, *in triplicate*, jointly certified to by the licensee and the Excise Officer, shall accompany the stamps showing:
 - (1) the name and registered number of the tobacco packer;
 - (2) the total number of stamps and their denomination;
 - (3) the quantity, in pounds, represented by the stamps;
 - (4) that the stamps were detached in the presence of the Excise Officer;
 - (5) that the stamps for which refund claim is to be made were taken from the identical hands of tobacco brought in and charged in the Daily Record;
 - (6) that the tobacco is suitable for re-sale as Canadian raw leaf;

Excise Act—continued

- (7) that the tobacco is the product of the licensed tobacco packer named.
- (f) Applications for refund of duty paid are to be made monthly, through the Collector, on Form N. 4, amended to suit, *in triplicate*.
- (g) The Collector shall attach a statement to the departmental copies of the claim certifying that the stamps enumerated in the claim were checked and destroyed by him and that such stamps agree in all particulars with the claim.

PACKAGING

57. Canadian raw leaf tobacco shall be considered as properly packaged when put up in hands not exceeding $\frac{1}{4}$, $\frac{1}{2}$ or 1 pound, actual weight, and securely tied at the butt with a leaf, or a portion of a leaf, or with string or other material.

58. Broken portions of the leaf, known as scrap, which cannot be tied in hands shall be put up in five and ten pound packages or bales. This scrap tobacco shall be pressed between cardboards, reinforced with wooden slats and be bound and securely fastened by wire.

SUPPLY OF STAMPS

59. Serially numbered stamps for Canadian raw leaf tobacco, in denominations of $\frac{1}{4}$, $\frac{1}{2}$ and 1 pound, may be obtained by licensees from Collectors of Customs and Excise by the use of requisition, Form B.56A, *in quadruplicate*, and payment of duty at the current rate per pound, actual weight, as prescribed by the Excise Act and amendments.

60. The Collector will return one copy of Form B.56A to the licensee, forward one to the department and retain one for his file. The remaining copy, bearing the port stamp and entry number as evidence of purchase, shall be supplied to the Excise Officer in Charge. This form shall bear a serial requisition number commencing, as respects each licence, with No. "1" at the beginning of each fiscal year. The officer's copies are to be retained on file for the use of the Inspector of Excise.

61. No one other than a licensed tobacco packer shall be permitted to purchase Canadian raw leaf tobacco stamps.

62. A tobacco packer shall not sell or otherwise dispose of stamps to another licensee or any other person whatsoever.

63. Tobacco packers will be held strictly accountable for all stamps purchased.

64. When stamps are received by a licensee, same are to be debited in the stamp account of the "Tobacco Packer's Daily Record" and credited when taken for use.

STAMPING

65. Stamps shall be securely affixed by the licensed tobacco packer to the hand of tobacco by interlacing one end between the leaves and winding the remainder of the stamp around the butt or stem end in such manner as to leave the denomination and cancellation panels exposed. All portions of the stamp are to be securely affixed with the adhesive either to the tobacco or to the stamp itself in its winding course, as shown in the illustration on the back of this circular.

Excise Act—continued

66. Broken leaves of Canadian raw leaf tobacco, known as scrap, when packaged as herein required (see section 58), may be disposed of for consumption provided sufficient one pound stamps are affixed in such manner that when the wires are broken the stamps are destroyed.

67. The stamp or stamps affixed to hands or packages shall be of such denomination as to correctly represent the actual weight of the tobacco.

68. Every stamp on every package of Canadian raw leaf tobacco shall be cancelled by the licensee before removal from the licensed premises by printing or stencilling thereon in a legible manner, in the space provided for that purpose, the port number and the registered number of the factory. The cancellation may be made by means of a roller stamp supplied by the department, or may be printed.

RETURNS

69. On or before the third working day of each month every licensed tobacco packer shall prepare and deliver to the Excise Officer in Charge a return, on Form K.57 *in triplicate*, which shall be separate and distinct for each month and shall relate to the month last preceding the date of making such return. The Excise Officer in Charge, after checking and having it attested to by the licensee, shall forward all three copies to the Collector who, after checking and signing the return, shall retain one copy, forward one copy to the District Inspector of Excise, and the other to the department.

DISCREPANCIES IN STOCK

70. Licensed tobacco packers shall take stock at least once each year and shall immediately thereafter furnish the Collector with a sworn statement showing the quantity in pounds, of Canadian raw leaf tobacco on hand at the licensed premises as shown by stock-taking.

71. This statement shall show separately the quantities held by the "Packer's" account from that held by the "Stemming" account.

72. The discrepancies found between the quantities as shown by the statement and the quantities shown as ledger balances in the "Daily Records" are to be accounted for in the respective ledger accounts on that date.

73. If, in the opinion of the Collector, these discrepancies are excessive, the accounts shall be investigated and the facts reported to the department.

RETAILERS

74. Retailers shall not purchase, have in possession, offer for sale, sell or otherwise dispose of Canadian raw leaf tobacco other than in whole and unbroken packages or hands bearing revenue stamps as evidence of payment of duty.

TOBACCO AND CIGAR MANUFACTURERS

75. Licensed tobacco and cigar manufacturers shall not produce or deal in Canadian raw leaf tobacco for consumption.

Excise Act—continued**GENERAL**

76. The revenue stamp on hands or packages of Canadian raw leaf tobacco is to be broken or torn before any of the tobacco may be taken for use. Failure to do so renders the user liable to the penalties provided by the Excise Act.

77. No one shall have in possession unstamped Canadian raw leaf tobacco except the following:

- (a) a *bona fide* tobacco grower, on his own land or premises;
- (b) a person in charge of a vehicle or vessel actually transporting tobacco under authority of a permit given under provisions of these regulations;
- (c) a licensed tobacco packer;
- (d) a licensed tobacco manufacturer;
- (e) a licensed cigar manufacturer;
- (f) the proprietor of a Customs-Excise bonded warehouse.

78. The attention of all persons concerned is directed to the provisions of section 280 of the Excise Act, which reads as follows:

“280. (1) Everyone who, except as herein specially provided, without having a licence as by this Act required, disposes of, sells, offers for sale, purchases or has in his possession Canadian raw leaf tobacco without having the requisite stamp affixed and the duty paid thereon is guilty of an indictable offence and liable to a penalty not exceeding two hundred dollars and not less than fifty dollars, and in default of payment of such penalty, to a term of imprisonment not exceeding three months and not less than one month.

(2) Any tobacco so found which is not packaged and stamped as by this Act provided shall be forfeited to the Crown and be seized and dealt with accordingly.

(3) It shall not be deemed an offence against the provisions of this section for a grower to have in possession on his premises tobacco grown by him on his own land or property but such tobacco may only be disposed of, sold or offered for sale by the grower to persons licensed and entitled to receive such tobacco as by this Act and regulations provided.”

11. Regulations governing the Supply of Alcohol to Licensed Druggists

725-C, 2nd Rev.

The following regulations, issued under authority of the Excise Act, 1934, and amendments (section 141), shall govern the purchase and disposal, by druggists, licensed by the Minister of National Revenue, of alcohol at a reduced rate of Excise duty for the preparation of prescriptions for medicines and for the manufacture of pharmaceutical preparations:—

LICENCES

1. Application for licence shall be made *in triplicate*, on Form L.18 Amended, to the Collector of Customs and Excise within the limits of whose port the druggist is transacting business.

Excise Act—continued

2. A licence fee of \$2 shall accompany the application for licence.
3. The Collector shall make careful enquiry as to the integrity of the applicant and, if satisfied, shall sign the "Certificate of Rectitude" on the back of the application form.
4. The bond of an approved guarantee company in the sum of \$1,000 shall be furnished.
5. Each licence will terminate on the 31st of March in each year.
6. The application shall then be forwarded by the Collector to the District Inspector of Excise Duty for examination and approval who, upon approving same, shall forward the application to the department for authorization.
7. The Collector will not issue a licence until authorization has been received from the department; the requisite bond, in the form prescribed by the department, deposited with him and the licence fee paid.
8. The licence fee will be accounted for in the Excise Duty Cash Book, and after endorsing the application papers, the Collector will send one set to the department, deliver one set to the applicant and file one in his office.
9. When any person or company operates more than one store, a separate licence and guarantee bond shall be furnished in respect of each store.
10. Application for Renewal of Licence, on Form L.18 Amended, endorsed "Renewal", shall be made in the month of February in order that the licence may be issued on or before April 1, upon payment of the annual licence fee and submission of a new guarantee bond or guarantee bond continuation certificate.

PURCHASE FROM DISTILLERS

11. Licensed druggists may purchase from distillers matured or unmatured alcohol testing not less than fifty per cent over proof in minimum quantities of five (5) standard gallons, Excise duty at the rate of \$1.50 per proof gallon having been paid thereon. The registered number of the druggist's licence must be quoted on each order.
12. Delivery of the alcohol may not be made by the distiller until the registered number of the licence supplied by the druggist is found to correspond with the "Official List of Licences."
13. When alcohol is shipped by distillers to licensed druggists located in a port other than that in which the distillery is situated, it is to be consigned on a Bill of Lading made to the order of the Collector of Customs and Excise at destination, the Bill of Lading to be delivered by the distillers to the Collector of Customs and Excise of the port of shipment for transmission, by mail, to the Collector of the receiving port.
14. Upon receipt of the spirits, the druggist is to endorse on the face of the permit, Form T.204, covering shipment, that the spirits have been received and entered in his official records, after which the permit should be forwarded to the Collector.

Excise Act—continued

15. The Collector, upon receiving the permit bearing notation, as referred to in the preceding section, shall ensure by visit or examination of subsequent monthly return that details of the shipment have been properly entered as indicated, after which the permit may be destroyed.

16. Form K.66 Amended, *in triplicate*, is to be kept by the licensee, in which shall be entered, at the time of receipt, the quantity of each lot of alcohol purchased; the date of receipt; name and address of the distiller; standard gallons; strength; proof gallons and quantity of alcohol in fluid ounces. (160 fluid ounces equal one Imperial gallon.)

17. Entries, on Form K.66 Amended, covering disposal of the alcohol are to be written up, *in triplicate*, day by day, *on the same day* in which the transaction occurs and shall show in respect of each and every operation: date when used; name of pharmaceutical preparation or number of prescription dispensed and quantity of alcohol (in fluid ounces) used.

18. Two copies of report, Form K.66, covering each month's transactions, the accuracy of which shall be sworn to by the licensee, is to be delivered by him to the Collector on the first day of the month next succeeding that in which the said transactions occurred. The Collector, having examined the return for accuracy, shall file one copy for record and forward the other to the department.

19. A prescription for alcohol alone is not to be filled from stocks of alcohol purchased direct from a distiller under these regulations.

20. The licensee is forbidden to use more than five (5) standard gallons in any calendar month for the purposes herein defined, nor will he be permitted to use this alcohol in the preparation of extracts for sale as such, or for lotions or perfume preparations, except under prescription.

21. Annual statements, on Form G.64, *in duplicate*, are to be completed, by licensees, showing the transactions in alcohol for the fiscal year. These statements are to be submitted to the Collector not later than the fifth day of April in each year. The Collector shall verify same, forward one copy to the department and retain the other for the port file. This form, as applied to licensed druggists, will not require to be signed above the line provided for the signature of the Excise Officer in Charge.

PURCHASES FROM GOVERNMENT VENDORS

22. Druggists may likewise purchase domestic alcohol, testing not less than fifty per cent over proof, from the government vendor, or other person lawfully authorized to sell the same, the regular Excise duty having been paid thereon.

23. Reports, on Forms K.66 Amended, are to be properly executed and submitted as provided by Sections 16, 17 and 18 herein, in respect of all alcohol purchased from a government vendor or other person lawfully authorized to sell same.

24. In respect of alcohol so purchased and used for the purposes herein specified, claims for drawback of the difference between the regular Excise duty paid thereon and the rate payable if purchased direct from the distiller, may be forwarded, through the Collector, to the department quarterly.

Excise Act—continued

25. If the alcohol be purchased from the government or authorized vendor, no claim for drawback of duty will be paid on the quantity used in excess of five Imperial gallons per month unless specially authorized by the department.

26. Claims for drawback shall not be allowed unless presented to the department with complete evidence attached, before the close of the quarter succeeding that in which the spirits were used.

27. Claims for drawback shall be supported by the affidavit of the Claimant, on the forms prescribed by the department, specifying the use made of the spirits and be accompanied by a copy of the receipted invoice bearing a certified statement of the vendor showing,—

- (a) strength of proof of the spirits sold;
- (b) name and address of the manufacturer;
- (c) marks and numbers of the original packages in which the spirits were received from the distillery.

28. Any breach of these regulations shall constitute an indictable offence, and in addition to the penalties provided by The Excise Act, will subject the offender to cancellation of his licence.

29. Collectors are instructed to ensure that every druggist licensed under The Excise Act has been furnished with a copy of these regulations.

D. SIM,

*Deputy Minister of National Revenue,
Customs and Excise.*

Ottawa, June 1, 1947.

12. Regulations re specially denatured alcohol and denatured alcohol**No. 488-C Seventh Revision**

The following regulations for the manufacture and sale of Specially Denatured Alcohol and Denatured Alcohol are hereby made and established, effective May 15, 1953, pursuant to Part VII of The Excise Act, 1934.

The regulations dated July 16, 1951, as amended, (Circular No. 488-C as revised to December 6, 1952) and all memoranda and instructions that are inconsistent with the regulations hereby established, are hereby revoked.

D. SIM,

*Deputy Minister of National Revenue,
Customs and Excise.*

Ottawa, May 15, 1953.

REGULATIONS FOR THE MANUFACTURE AND SALE OF SPECIALLY DENATURED ALCOHOL AND DENATURED ALCOHOL

1. Specially denatured alcohol and denatured alcohol may be manufactured and sold only in accordance with the provisions of these regulations.

2. The various grades of specially denatured alcohol may be sold only by persons or firms authorized by the Department to sell such grades; sales of denatured alcohol may be made without restriction.

Excise Act—continued

3. (1) The specifications for the manufacture and use of specially denatured alcohol and denatured alcohol are as set forth in Schedules A and B to these regulations, respectively.

(2) The specifications of the denaturants approved for the manufacture of specially denatured alcohol and denatured alcohol are as set forth in Schedule C to these regulations.

BONDING OF PERMIT HOLDERS

4. Applications for permit shall be made in duplicate, on Form L.11, to the Collector of Customs and Excise of the port in which the place of business of the applicant is located; the designating name or letter of the grade being inserted in the space reserved therefor, and the purpose for which it is to be used being clearly indicated in the body of the application.

5. (1) The Collector shall make careful inquiry into the business integrity of the applicant and the suitability of his premises for the purposes of the permit; if the facts disclosed by such inquiry should not be completely satisfactory, he shall report the facts to the Department for instructions.

(2) Where the facts disclosed by the inquiry are satisfactory to the Collector, he shall affix to the application the following statement:

“I have no reason to suspect the rectitude of the applicant and do not know of any reason why issue of a permit should be withheld.”

(3) The Collector shall then forward both copies of the application to the Department.

6. When the application is approved by the Department, one copy thereof, bearing the approval stamp of the Department, shall be returned to the Collector; the applicant shall then furnish to the Collector the bond of an approved guarantee company in the sum of \$2,000 as security that the specially denatured alcohol will be disposed of only as authorized by the Excise Act and regulations thereunder; the Collector shall transmit the bond to the Department and upon its approval the permit will be issued and returned to him for delivery to the applicant; distillers and department officers concerned shall be notified of the issue of the permit, as their authority for filling orders from the permit holder.

7. Separate applications, permits and bonds are required in respect of each separate premises wherein specially denatured alcohol obtained in bulk from a distillery is held for disposal.

8. When a permit holder removes to premises other than those specified in his application, permit and bond, a new application, permit and bond shall be required and the former permit and bond will be cancelled; the same procedure shall apply in the event of any change in name or ownership.

9. If the guarantee bond is not renewed on or before April 1 in any year, the permit will be cancelled without notice; to avoid delay guarantee bond renewal receipts for the ensuing fiscal year should be delivered to the Collector to be forwarded by him to the Department as soon as possible after March 1.

10. Permit holders shall not be supplied with any grade of specially denatured alcohol other than the grade or grades specified in their permits;

Excise Act—continued

where authority is desired to purchase any additional grade or grades, application therefor shall be made in the manner provided by sections 4, 5 and 6, but no further security will be required.

11. Upon the issue of new permits or upon the cancellation of existing permits, the current list of permit holders shall be revised by distillers and officers in charge in accordance with the notices issued from time to time.

12. Applications for permits from

- (a) departments of the government of Canada or any of the provinces;
- (b) recognized universities;
- (c) public hospitals duly registered as such with the Department of National Health and Welfare;
- (d) hospitals operated by the Government of Canada or by any of the provinces;
- (e) bonded manufacturers of perfume for the possession and use of specially denatured alcohol, grade No. 1-B;
- (f) such persons as are specially designated by the Minister;

shall be processed in the same manner as any other application except that no bonds are required.

LABELLING OF GRADES CONTAINING WOOD ALCOHOL OR METHYL ALCOHOL

13. The vessels containing grades of specially denatured alcohol or denatured alcohol, denatured by the addition of wood alcohol or methyl alcohol, shall have affixed thereto a label bearing the words "Methyl Hydrate—Poison" in black letters not less than one-fourth of an inch high; when the package contains more than one gallon, the inscription on the label shall be shown in black letters on a white ground not less than one-half inch high.

DISPOSAL BY DISTILLERS OF SPECIALLY DENATURED ALCOHOL

14. Subject to compliance with the requirements of the Consolidated Regulations governing Distilleries and their Products (Circular No. 269-C) in respect of storage, removal and disposal, the various grades of specially denatured alcohol listed in Schedule A hereto may be sold or disposed of by licensed distillers to permit holders only, for the purpose or purposes specified in their permits and not otherwise.

BOTTLING AND LABELLING REQUIREMENTS, SDAG No. 1-F

15. Specially denatured alcohol, grade SDAG No. 1-F, is authorized for use as a rubbing alcohol compound only, and may be sold only by distillers to persons or firms holding permits specifically issued for such use; and such permit holders are subject to the requirements of these regulations.

16. Rubbing alcohol compound when received from distillers shall not be diluted or reduced in strength by the addition of water or other substance, nor may it be used in admixture with any other material or in the manufacture of any preparation whatsoever.

17. No package of rubbing alcohol compound shall contain more than sixteen fluid ounces, except when sold to hospitals or to persons and organizations authorized by the Department to purchase bulk quantities.

Excise Act—continued

18. The following words shall appear in conspicuous type on each label affixed to containers of rubbing alcohol compound:

(Trade name (if any) under which the compound is marketed)

POISON

RUBBING ALCOHOL COMPOUND

DANGEROUS IF TAKEN INTERNALLY

HARMLESS IF APPLIED EXTERNALLY

(Name and address of permit holder)

19. Where rubbing alcohol compound is bottled and labelled by permit holders for others, the words “Bottled by
(Name and address of permit holder)

expressly for”
(Name and address of wholesale or retail druggist for whom bottled)

may be used.

20. The style and wording of all labels shall be approved by the Department before being affixed to containers of rubbing alcohol compound.

21. No label and no wording other than that prescribed by sections 18 and 19 shall be used by permit holders or others except with the prior approval of the Department.

22. Sketches, drawings or blue-prints of labels drawn to scale or full size photographic copies of labels may be submitted *in duplicate* to the Department for approval before printing or lithographing, but formal approval of the finished label will be given only when *three* specimen copies thereof are submitted; Collectors will be furnished by the Department with specimens of all labels approved for permit holders in their territories.

23. Any violation of the provisions of sections 15 to 22, inclusive, may subject the offender, in addition to the penalties provided by the Excise Act, to the cancellation of his permit and the forfeiture of all excisable goods.

DISPOSAL BY PERMIT HOLDERS OF SDAG No. 1-F

24. Registration, on Form E.137, of persons and organizations desiring to purchase rubbing alcohol compound will no longer be required and present registrations may be regarded as cancelled.

25. Permit holders shall keep accurate records of all receipts and disposals of rubbing alcohol compound; such records shall be open for inspection by officers of the Department or members of the Royal Canadian Mounted Police at any time during ordinary business hours.

LABELLING AND SHIPMENT OF SDAG Nos. 1-X AND 1-XS

26. Specially denatured alcohol, grades SDAG Nos. 1-X and 1-XS, shall be known as “Spirex” and “Spirex-S” respectively, and shall be invoiced as such; in no case shall the words “alcohol” or “spirits” be used in the marking of any container carrying these grades nor shall such words appear on entry or shipping papers.

Excise Act—continued

27. There shall be legibly stencilled in oil colours, on all tanks, drums, barrels and other containers used in the shipment of specially denatured alcohol, grades SDAG Nos. 1-X and 1-XS, the words “SPIREX—POISON—CONTAINS BENZOL” or “SPIREX-S—POISON—CONTAINS BENZOL”, as the case may be, together with the skull and cross-bones poison symbol in both cases.

28. Specially denatured alcohol, grades SDAG Nos. 1-X and 1-XS, shall be shipped in bond on “Removal Entry” or “Transfer” if within the port, and be covered by bond, on Form D.56 revised, which may be cancelled upon return of one copy of the entry bearing across the face thereof the words “Received and taken for use”, and signed by an authorized representative of the permit holder.

SDAG No. 1-G TO BE FURTHER DENATURED FOR CERTAIN PURPOSES

29. Specially denatured alcohol, grade SDAG No. 1-G, supplied to the Department of National Defence (Air Service), Ottawa, and to Royal Canadian Air Force stations in Canada under permit No. 3034, shall be further denatured before release from the distillery by the addition of approved pyridine bases in the proportion of one-half (0.5) gallons of the pyridine bases to one hundred (100) gallons of specially denatured alcohol, grade SDAG No. 1-G.

Schedule “A”

SPECIFICATIONS FOR THE MANUFACTURE AND USE OF SPECIALLY DENATURED ALCOHOL

Grade No.	Composition	Authorized Use
SDAG No. 1-A.	90 gallons of Ethyl Alcohol (65% O.P.) 10 gallons of Wood Alcohol.	In the arts and industries under departmental permit.
SDAG No. 1-B.	100 gallons of Ethyl Alcohol (65% O.P.) 800 grains of Amorphous Quassin. When imported Rum is denatured in lieu of Ethyl Alcohol (65% O.P.) the admixture shall be in proportions (irrespective of the strength— weaker than 65% O.P.) as required for domestic non-potable spirits above specified, and shall be subject to an Excise Duty of 30 cents per proof gallon collected when taken into the distillery for denaturation, under authority of section 221 of the Excise Act, 1934. The following alternative formula may also be used: 100 gallons of Ethyl Alcohol (65% O.P.) 1 gallon of Diethylphthalate.	By licensed bonded manufacturers of perfumed spirits for the manufacture in bond of perfume.

Excise Act—continued

SPECIFICATIONS FOR THE MANUFACTURE AND USE OF SPECIALLY
DENATURED ALCOHOL

Grade No.	Composition	Authorized Use
SDAG No. 1-D.	100 gallons of Ethyl Alcohol (65% O.P.) 12 lbs. Iodine.	For the manufacture of Tincture of Iodine.
SDAG No. 1-E.	12 lbs. Potassium Iodide. 90 gallons of Anhydrous Ethyl Alcohol. 9 gallons of Anhydrous Methyl Alcohol. 1 gallon of Benzol. At the direction of the Minister, some other substance may be substituted for Benzol, to act as a warning that this alcohol is poisonous. In no case, however, shall the ratio of Ethyl Alcohol to Methyl Alcohol be allowed to rise above ten to one.	In the arts and industries, under departmental permit.
SDAG No. 1-F.	98 gallons of Ethyl Alcohol (65% O.P.) 2 gallons of Diethylphthalate 500 grains of Brucine Sulphate 800 grains of Quassin 2800 grains of Camphor	As rubbing alcohol compound.
SDAG No. 1-G.	90 gallons of Ethyl Alcohol (65% O. P.) 10 gallons of Anhydrous Methyl Alcohol.	In the arts and industries under departmental permit.
SDAG No. 1-H.	100 gallons of Anhydrous Ethyl Alcohol. 7 gallons of Ethyl Acetate. 10 gallons of Toluol or 100 gallons Anhydrous Ethyl Alcohol. 7 gallons Ethyl Acetate. 5 gallons Solvent Naphtha.	In the arts and industries under departmental permit.
SDAG No. 1-J.	100 gallons of Ethyl Alcohol (65% O.P.) 7 gallons of Ethyl Acetate. 10 gallons of Toluol. or 100 gallons Ethyl Alcohol (65% O.P.) 7 gallons Ethyl Acetate. 5 gallons Solvent Naphtha.	In the arts and industries under departmental permit.
SDAG No. 1-K.	100 gallons of Anhydrous Ethyl Alcohol. 5 gallons of Anhydrous Methyl Alcohol.	In the manufacture of insulin, and for use in any university or scientific and research laboratory approved by the Minister.
SDAG No. 1-L.	100 gallons of Ethyl Alcohol (65% O.P.) 10 gallons of Acetone.	For use in any university or scientific and research laboratory approved by the Minister.
SDAG No. 1-M.	100 gallons of Ethyl Alcohol (65% O.P.) 5 gallons of Wood Alcohol.	In the arts and industries under departmental permit.
SDAG No. 1-X.	100 oz. Sodium Hydroxide (Caustic Soda) 98 gallons of Ethyl Alcohol of a strength of not less than 65% O.P. 2 gallons of Benzol, regardless of the strength of the alcohol.	In the manufacture of explosives and certain chemical compounds approved by the Minister, under departmental permit.
SDAG No. 1-XS.	99.5 gallons of Ethyl Alcohol of a strength not less than 65% O.P. 0.5 gallon of Benzol, regardless of the strength of the alcohol.	In the manufacture of smokeless powder under departmental permit.

Schedule “B”

SPECIFICATIONS FOR THE MANUFACTURE AND USE OF DENATURED
ALCOHOL

Grade No.	Composition	Authorized Use
DAG No. 2-A.	85 gallons of Ethyl Alcohol (65% O.P.) 15 gallons of Wood Alcohol.	In the arts and industries without restriction.
DAG No. 2-B.	90 gallons of Ethyl Alcohol (65% O.P.) 9.5 gallons of Wood Alcohol. 0.5 gallons of Pine Oil.	In the arts and industries without restriction.

Excise Act—continued

SPECIFICATIONS FOR THE MANUFACTURE AND USE OF DENATURED ALCOHOL

Grade No.	Composition	Authorized Use
DAG No. 2-C.	90 gallons of Ethyl Alcohol (65% O.P.) 9·5 gallons of Wood Alcohol. 0·5 gallon of Pyridine Bases. or 93·5 gallons of Ethyl Alcohol (65% O.P.) 6 gallons Wood Alcohol. 0·5 gallon Pyridine Bases. Provided that the distiller must add sufficient colouring material to ensure that the product will have a distinctive colour.	In the arts and industries without restriction.
DAG No. 2-D.	90 gallons of Ethyl Alcohol (65% O.P.) 9 gallons of Wood Alcohol. 1 gallon of Benzine. or 93 gallons Ethyl Alcohol (65% O.P.) 6 gallons Wood Alcohol. 1 gallon Benzine. Provided that the distiller must add sufficient colouring material to ensure that the product will have a distinctive colour.	In the arts and industries without restriction.
DAG No. 2-E.	90 gallons of Ethyl Alcohol (65% O.P.) 9 gallons of Wood Alcohol. 1 gallon of Solvent Naphtha.	In the arts and industries without restriction.

Schedule “C”

SPECIFICATIONS OF DENATURANTS

The following are the specifications approved by the Minister for denaturants of Ethyl Alcohol of the respective authorized grades.

These specifications shall be complied with, otherwise the use of the denaturants to which they refer will not be approved.

1. Acetone.—The material shall be acetone as recognized by the ordinary reactions and conforming to the following minimum standards of purity.

When, to 100 ml. of acetone in a glass stoppered graduated flask, 0·5 ml. of N/10 potassium permanganate solution (3·161 grams per litre) is added, the pink colour shall not disappear in less than 15 minutes.

When 25 ml. of acetone are added to 25 ml. of petroleum ether, a clear uniform mixture shall result.

2. Benzine.—This shall be a hydrocarbon product of petroleum.

On distillation, not more than 1 per cent by volume shall pass over at or below 140°C., and not less than 90 per cent by volume shall pass over below 250°C.

The method of distillation shall be as follows:—Into a glass Engler distillation flask of 250 ml. capacity, 100 ml. of the liquid under examination is introduced. The flask is fixed over an asbestos or quartz plate having a circular opening 60 mm. in diameter immediately below the bottom of the flask. The neck of the flask is closed by a stopper through which passes a thermometer so adjusted that its mercury bulb is directly opposite the opening of the side tube. This latter is connected to a wide glass tube which acts as an air-cooled condenser, the boiling being so conducted that 5 ml. of oil pass over in one minute.

Excise Act—continued

3. **Benzol.**—This shall be the hydrocarbon product derived from coal or petroleum and known commercially as “Benzol”.

On distillation, not more than 1 per cent by volume shall pass over below 77°C. and not less than 90 per cent by volume shall pass over below 100°C.

The method of distillation shall be the same as that laid down for benzine, except that the opening in the asbestos plate shall have a diameter of only 30 mm. and a water-cooled condenser shall be substituted for the air-cooled condenser.

4. **Brucine Sulphur.**—This shall be a good commercial grade of brucine sulphate. It shall show the following characteristics:—

When a drop of cold nitric acid (sp. gr. 1.42) is added to a crystal of the material, a blood-red colour is produced. When the mixture is heated, the colour changes to yellow, but when subsequently cooled and treated cautiously with stannous chloride, the colour becomes purple. This purple colour disappears when an excess of either nitric acid or stannous chloride is added.

When dried to constant weight at 110°C. the material shall not lose more than 12 per cent of its original weight.

When one gram of the material is ignited in a platinum dish, it shall not leave an appreciable residue.

The material shall show the ordinary analytical reactions characteristic of sulphates.

5. **Camphor.**—This may be either the natural or the synthetic compound. When 1 gram of the material is weighed on a watch glass and subsequently heated on a water bath, it shall leave a residue of not more than 1 milligram.

6. **Castor Oil.**—This shall be a good grade of “first press” castor oil, not so refined as to interfere with the natural taste or smell. When 50 ml. contained in a Nessler tube, is examined for colour, it shall not have a deeper tint than 50 ml. of water to which has been added 0.15 ml. of a deci-normal solution of iodine.

7. **Diethylphthalate.**—This shall be a good commercial grade of diethylphthalate.

On distillation, not less than 90 per cent of the whole volume shall pass over in the interval between 290°C. and 297°C. The method of distillation shall be the same as that laid down for benzine. The “saponification number” of the material shall be not less than 497 and not more than 510.

8. **Ethyl Acetate.**—This shall be a good commercial grade of ethyl acetate. The “saponification number” of the material shall be not less than 573.

9. **Iodine.**—This shall be resublimed iodine. When 1 gram is placed on a watch glass and heated on a water bath, it shall not leave a residue of more than 1 milligram.

10. **Methyl Alcohol Anhydrous.**—This shall be a highly purified grade of methyl alcohol. It shall not show any appreciable proportion of acetone when submitted to the usual tests. It shall have a sp. gr. not greater than 0.7994 at 60°F./60°F.

Excise Act—continued

Its refractive index shall be such as to confirm the assumption that the liquid consists of methyl alcohol only, or of methyl alcohol with such amount of water as may be deduced from its specific gravity.

11. Methylene Blue.—This is the blue dye also known as methylthionine chloride in the British Pharmacopœia. It shall show not less than 80 per cent of the pure dye when assayed according to the methods specified in the B.P. 1958 or the U.S.P. Xi.

12. Nicotine Sulphate Solution.—This shall be an aqueous solution of nicotine sulphate which shall show not less than 0.5 gram of nicotine in 100 ml. when tested in the following manner:—

Measure 100 ml. of the solutions into a 500 ml. Kjeldahl flask provided with a suitable bulb spray-trap. Add 30 ml. of a saturated solution of barium hydroxide and distil in a current of steam until the distillate is no longer alkaline. Slightly acidify the distillate with sulphuric acid and evaporate until its volume is about 50 ml. Transfer it to a 100 ml. graduated flask and make strongly alkaline by the addition of sodium hydroxide solution.

If necessary, clarify by adding a few drops of barium chloride solution and allowing the precipitate to settle. Dilute to 100 ml. and observe its rotary power in a saccharimeter. The amount of nicotine is calculated from the fact that a reading of 1 division on the negative side of the Ventzke sugar scale (j light) corresponds to 0.220 gram of nicotine in each 100 ml. of solution, a 2 decimetre observation tube being used.

13. Pine Oil.—This shall be a good commercial grade of pine oil produced by steam distillation. Its sp. gr. shall be not greater than 0.950 at 60°F./60°F.

14. Potassium Iodide.—This shall be a good commercial grade of potassium iodide

15. Pyridine Bases.—This shall conform to the following requirements:—

It shall show the ordinary analytical reactions of pyridine and shall possess the penetrating smell characteristic of that compound. This smell shall remain distinctly noticeable when the material is diluted with 500 times its volume of water.

Water Content—Shake 20 ml. of the material with 20 ml. of sodium hydroxide solution, made by dissolving 506 grams of the alkali in water and diluting to 1 litre.

On standing the fluids will separate into two layers of which the upper shall measure not less than 18.5 ml.

Alkalinity—Measure 25 ml. of the pyridine bases into a graduated flask and make up to 250 ml. with water. After thoroughly mixing, titrate this solution against 20 ml. of sulphuric acid (N), using methyl orange as the indicator. Not more than 21 ml. of the diluted pyridine solution shall be required to change the indicator colour to a full yellow.

16. Quassin.—This shall be a good commercial grade of purified amorphous quassin.

When 0.4 gram is added to 20 ml. of alcohol (65 per cent O.P.), it shall dissolve completely.

When 0.2 ml. of this solution, measured from a burette is made up to 1 litre with water, the mixture shall possess a distinctly bitter taste.

Excise Act—continued

17. **Sodium Hydroxide.** (Caustic Soda).—This shall be a good commercial grade of sodium hydroxide.

It shall show a degree of alkalinity equivalent to a purity of not less than 90 per cent.

The alkalinity shall be determined by weighing with exactitude a sample which shall be not less than 3·5 grams nor more than 4·5 grams, dissolving this sample in water, diluting to 100 ml. and titrating the solution against 25 ml. of normal sulphuric acid, using phenolphthalein as indicator.

18. **Solvent Naphtha.**—This shall be either a mixture of hydrocarbons derived from coal by destructive distillation or a petroleum hydrocarbon product.

On distillation of the solvent naphtha, not more than 5 per cent by volume shall pass over below 90°C. and not less than 90 per cent by volume shall pass over below 150°C.

The method of distillation shall be the same as that laid down for benzene.

19. **Toluol.**—This shall be a hydrocarbon product derived from coal or petroleum and consisting largely of toluene.

On distillation, not less than 90 per cent of the whole volume shall pass over between 100°C. and 120°C. The method of distillation shall be the same as that laid down for benzol.

20. **Wood Alcohol or Synthetic Wood Alcohol.**—These shall be volatile liquids, the product of the destructive distillation of wood or otherwise of which at least 50 per cent by volume shall be methyl alcohol. They shall conform to the following requirements:—

Odour—They shall give the decided and unpleasant odour characteristic of wood naphtha, when mixed with 10 times their volume of ethyl alcohol (65 per cent O.P.).

Total content of methyl alcohol—This shall be determined by one of the following methods:—

A.—Measure at laboratory temperature 20 ml. of the material under investigation, running it directly from a burette into a separating funnel containing approximately 50 ml. of petroleum ether. Add approximately 75 ml. of saturated salt solution and shake well. Stand for 5 minutes. Draw off the lower layer into a second separating funnel and extract with a further 50 ml. of petroleum ether. After standing and allowing the resulting mixture to separate, run the alcoholic-saline layer into a 500 ml. Kjeldahl flask.

To the first portion of petroleum ether add 50 ml. of saturated sodium chloride solution. Shake well, stand for 5 minutes and run the lower layer into the second separating funnel, which still contains the second quantity of petroleum ether. Shake this mixture well, allow to stand 5 minutes and add the aqueous layer to the liquid already in the Kjeldahl flask. Repeat the washing of the two quantities of petroleum ether in the same manner, adding the aqueous washings to those previously collected.

To the dilute alcoholic saline solution add 4·0 grams of paraformaldehyde (which should be as free as possible from nitrogenous impurities) and 40 ml. of sodium hydroxide solution (N); fit to the flask a Liebig

Excise Act—concluded

condenser not less than 60 cm. long (or some form of condenser of at least equal efficiency), arranged for refluxing, and slowly bring the liquid to the boiling point, preferably using an electric hot plate as the source of heat.

While the liquid is gently boiling, add (by pouring down the condenser) 60 ml. of Fehling's solution or such greater quantity as may be necessary to cause the colour to remain predominantly blue. Cool the flask and contents and wash down the condenser with 25 ml. water. Disconnect the reflux condenser and connect the flask with a foam-trap and condenser for distillation, then distil slowly until about 90 ml. have been collected. Cool the distillate and make up exactly 100 ml. with distilled water. After thorough mixing determine the specific gravity of the distillate at 60°F. (15.56C.) and its refractive reading by means of a Zeiss, or similar dipping refractometer, at 17.5°C. or other suitable standard temperature. From the specific gravity of the distillate obtain the percentage of total alcohol by volume (as ethyl alcohol) from standard tables. The proportion of methyl alcohol in the total alcohol in the distillate shall be determined by the Immersion Refractometer Method of the Association of Official Agricultural Chemists or a modification thereof approved by the Department. The methyl alcohol content of the sample is 5 times the result obtained by multiplying the proportion of methyl alcohol in the distillate by the percentage of total alcohol (as ethyl alcohol) determined from the specific gravity of the distillate.

Example—

proportion of methyl alcohol in total alcohol	60%
percentage of total alcohols as ethyl alcohol	19%
percentage of methyl alcohol in sample	$\frac{60 \times 19 \times 5}{100} = 57\%$

The absence of acetone from this distillate shall be proved as follows:—

To 5 ml. add 5 drops of freshly prepared sodium nitro-prusside solution, then 1 ml. of 10 per cent sodium hydroxide solution. No orange tint should develop, and on making slightly acid with acetic acid no purple or blue tint should be observable. If the presence of acetone is indicated by the above test, the determination of methyl alcohol shall be repeated, using a larger quantity of paraformaldehyde.

B.—A recognized Colorimetric method to be approved by the Department.

EXCISE TAX ACT. (R.S.C., 1952, c. 100)

	PAGE
1. <i>Drawback on goods manufactured or produced and exported</i>	1188
2. <i>Ships' suppliers' drawback regulations</i>	1188
3. <i>Ships' stores regulations</i>	1188
 1. Regulations <i>re</i> drawback on goods manufactured or produced and exported	
(P.C. 3687 of 18th July, 1951) <i>see Customs Act, item 18, page 712</i>	
 2. Ships' Suppliers Drawback Regulations	
(P.C. 1954-1144 of 28th July, 1954) <i>see Customs Act, item 25, page 729</i>	
 3. Ships' Stores Regulations	
(P.C. 1954-1145 of 28th July, 1954) <i>see Customs Act, item 26, page 734</i>	

EXPLOSIVES ACT. (R.S.C., 1952, c. 102)**Explosives Regulations**

P.C. 1954-1801

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:**HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL**

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Technical Surveys and by virtue of the powers conferred by the Explosives Act, is pleased to order as follows:

1. The Explosives Regulations, established by Order in Council P.C. 4615 of 12th November, 1947, as amended, are hereby revoked; and

2. The annexed "Explosives Regulations" are hereby made and established in substitution for the regulations hereby revoked.

EXPLOSIVES REGULATIONS

1. These regulations may be cited as the *Explosives Regulations*;
2. In these regulations, unless the context otherwise requires;
 - (a) "Act" means the Explosives Act;
 - (b) "authorized explosive" means any explosive that is declared by the Minister to be an authorized explosive;
 - (c) "Chief Inspector" means a person appointed as Chief Inspector of Explosives in the manner authorized by law or a person authorized by the Minister to carry on the duties of the Chief Inspector of Explosives in his absence;
 - (d) "Department" means the Department of Mines and Technical Surveys;

Explosives Act—continued

- (e) “explosive” means gunpowder, blasting powder, nitroglycerine, guncotton, dynamite, blasting gelatine, gelignite, fulminates of mercury or of other metals, coloured fires, and every other substance made, manufactured or used with a view to produce a violent effect by explosion, or a pyrotechnic effect, and includes fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, railway track torpedoes, fusees and other signals, and every other adaptation or preparation of any such substance;
- (f) “factory” means any building, structure, premises or land in or upon which the manufacture or any part of the process of manufacture of an explosive is carried on, the site on which such building, structure or premises are situated, and all other buildings, structures or premises within such site;
- (g) “inspector” means the Chief Inspector, an inspector of explosives, a deputy inspector of explosives, and any other person who is directed by the Minister to inspect an explosive or explosive factory or magazine, or to hold an inquiry in connection with any accident caused by an explosive;
- (h) “licensed factory” means a factory in respect of which a licence issued under section 6 of the Act is in force;
- (i) “licensed magazine” means a magazine in respect of which a licence issued under section 6 of the Act is in force;
- (j) “magazine” means any building, storehouse, structure or place in which any explosive is kept or stored, but does not include
 - (i) a place at or in and for the use of a mine or quarry in a province in which provision is made by the law of such province for the efficient inspection of mines and quarries and explosives used in connection therewith;
 - (ii) a place in which an authorized explosive is kept for the purposes of conveyance when the same is being conveyed or kept in accordance with the provisions of the Act;
 - (iii) the structure or place in which is kept for private use, and not for sale, an authorized explosive to an amount not exceeding that authorized by these regulations;
 - (iv) registered premises;
 - (v) any store or warehouse in which are stored for sale authorized explosives to an amount not exceeding that authorized by these regulations; or
 - (vi) any place at which the blending or assembling of the explosive component parts of an authorized explosive is allowed under section 8 of the Act;
- (k) “Minister” means the Minister of Mines and Technical Surveys or such other Minister as the Governor in Council may from time to time designate;
- (l) “operator” means a person who operates a factory for manufacturing explosives or who is the manager of or the person in charge of such factory, or who is the owner or lessee of a magazine or registered premises, or who uses a magazine or registered premises for the storage of explosives, and “operate” shall have a corresponding meaning;

Explosives Act—continued

- (m) “registered premises” means premises in respect of which a certificate is issued under section 7 of the Act and the authorized explosive stored thereon does not exceed the amount permitted by such certificate; and
- (n) “safety cartridges” means cartridges for guns, rifles, pistols, revolvers and other small arms, of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges.

3. All officers, non-commissioned officers and constables of the Royal Canadian Mounted Police, while serving as such, are hereby appointed deputy inspectors of explosives, without remuneration.

4. Nothing in these regulations shall relieve any person of the obligation to comply with the requirements of any licence law, or other law or by-law of any province or municipality, lawfully enacted relating to the storage, handling, sale or other dealing with explosives, nor of any liability or penalty imposed by such law or by-law for any violation thereof.

Part I**CLASSIFICATION**

5. Explosives are divided into seven classes, as follows:

- Class 1.—Gunpowder.
- Class 2.—Nitrate Mixture.
- Class 3.—Nitro-compound.
- Class 4.—Chlorate Mixture.
- Class 5.—Fulminate.
- Class 6.—Ammunition.
- Class 7.—Firework.

6. When an explosive falls within the description of more than one class it shall be deemed to belong exclusively to the class with the highest number.

Class 1—Gunpowder Class

7. “Gunpowder” means the explosive ordinarily called gunpowder.

Class 2—Nitrate Mixture Class

8. (1) “Nitrate mixture” means any preparation, other than gunpowder, formed by the mechanical mixture of a nitrate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, whether or not the preparation contains sulphur, and whether or not such preparation is mechanically mixed with any other non-explosive substance.

(2) The nitrate mixture class comprises such explosives as virite, black blasting powder, lump-kol and explosives containing a perchlorate and not included in Class 3, Class 4 or Class 5.

Explosives Act—continued

Class 3—Nitro-Compound Class

9. (1) "Nitro-compound" means any chemical compound that has explosive properties, or is capable of combining with metals to form an explosive compound, and that is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid) or of a nitrate mixed with sulphuric acid upon any carbonaceous substance, whether such compound is mechanically mixed with other substances or not.

(2) The nitro-compound class has two divisions, namely, Division 1 and Division 2.

(3) Division 1 comprises such explosives as dynamite, blasting gelatine, cordite, forcite, gelatine dynamite, monobel, C-X-L-ite, blastol, and any chemical compound or mechanically mixed preparation that consists either wholly or partly of nitroglycerine, or of some other liquid nitro-compound.

(4) Division 2 comprises such explosives as gun-cotton, nitro-cotton, picric acid, trinitrotoluene (T.N.T.) nitroguanidine, pentaerythritol tetranitrate (P.E.T.N.), and any nitro-compound that is not comprised in Division 1.

Class 4—Chlorate Mixture Class

10. (1) "Chlorate-mixture" means any explosive containing a chlorate.

(2) The chlorate-mixture class has two divisions, namely Division 1 and Division 2.

(3) Division 1 comprises any chlorate preparation which consists partly of nitro-glycerine or of some other liquid nitro-compound.

(4) Division 2 comprises any chlorate mixture that is not included in Division 1.

Class 5—Fulminate Class

11. (1) "Fulminate" means any chemical compound or mechanical mixture, whether included in the foregoing classes or not, that by reason of its great susceptibility to detonation is suitable for employment in percussion caps or any other appliances for developing detonation, or that by reason of its extreme sensibility to explosion and its great instability (that is to say readiness to undergo decomposition from very slight exciting causes) is especially dangerous.

(2) The fulminate class consists of two divisions, namely, Division 1 and Division 2.

(3) Division 1 comprises such compounds as the fulminates of silver and of mercury, and preparations of these substances, any preparation consisting of a chlorate mixed with phosphorus or certain descriptions of phosphorus compounds, with or without the addition of carbonaceous matter; and any preparation consisting of a chlorate mixed with sulphur or with sulphide, with or without carbonaceous matter.

(4) Division 2 comprises such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, lead azide and lead styphnate.

Class 6—Ammunition Class

12. (1) "Ammunition" means an explosive of any class when enclosed in a case or contrivance or otherwise adapted or prepared so as to form a cartridge or charge for small arms, cannon, any other weapon for blasting,

Explosives Act—continued

or so as to form any safety or other fuse for blasting or shells, or so as to form any tube for firing explosives, or so as to form a percussion cap, detonator, shell, torpedo, war rocket or other contrivance other than a firework.

(2) "Percussion cap" does not include a detonator.

(3) "Detonator" means a capsule or case that is of such strength and construction, and contains an explosive of the fulminate-explosive class in such quantity that the explosion of one capsule or case will communicate the explosion to other like capsules or cases.

(4) "Safety fuse" means a fuse for blasting that burns and does not explode, and that does not contain its own means of ignition, and that is of such strength and construction and contains an explosive in such quantity that the burning of such fuse will not communicate laterally with other like fuses.

(5) The ammunition class has three divisions, namely, Division 1, Division 2 and Division 3.

(6) Division 1 comprises exclusively safety cartridges, safety fuses, railway track torpedoes and percussion caps when the cap is a metal case or capsule, does not contain an anvil, has its composition protected by tin-foil or other suitable substance, contains less than 0·6 grain of a composition of Division 1 of Class 5 (fulminate), of which not more than 25 per centum consists of fulminate of mercury or less than 0·5 grain of any other explosive of Division 1 of Class 5 (fulminate), and the whole cap is of such strength and construction that the ignition of one such cap will not ignite other like caps.

(7) Division 2 comprises any ammunition that does not contain its own means of ignition, and is not included in Division 1, such as cartridges and charges for cannon, shell, mines or other like purpose, electric fuses, electric primers, mining squibs, instantaneous fuse, detonating fuse and shaped charges.

(8) Division 3 comprises any ammunition that contains its own means of ignition, and is not included in Division 1, such as detonators, percussion caps not included in Division 1, friction tubes, percussion primers, fuses for shell (such as time and percussion fuses) if such fuses do contain their own means of ignition.

(9) Ammunition containing its own means of ignition means ammunition that has an arrangement, whether attached to it or forming part of it, that is adapted to explode or fire the same by friction or percussion.

Class 7—Firework Class

13. (1) "Firework" comprises firework composition and manufactured fireworks.

(2) The firework class consists of two division, namely, Division I and Division 2.

(3) Division 1 comprises firework composition, which means any chemical compound or mechanically mixed preparation of an explosive or inflammable nature that is used for the purpose of making manufactured fireworks and is not included in any other class of explosives, and also any star and any coloured fire composition that is not included in Division 2.

Explosives Act—continued

(4) Division 2 comprises manufactured fireworks, which means an explosive of any class and any firework composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured or adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals, such as mines, rockets, serpents, shells, distress signals, light signals, sound signals, Very's signals, wheels and coloured fire compositions when such compositions are of a nature not liable to spontaneous combustion, and in a quantity not exceeding one pound enclosed in a substantially constructed, hermetically closed metal case.

(5) Manufactured fireworks that are not liable to explode violently are classed as "shop goods", such as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, sparklers, toy caps, volcanoes, Chinese firecrackers of gunpowder composition, not exceeding four inches in length and nine-sixteenths inch in diameter, and mines not exceeding one pound, gross weight, but "shop goods" does not include rockets or salutes.

Part II

AUTHORIZATION AND TESTING

14. All applications to have an explosive declared an authorized explosive shall be addressed to the Chief Inspector.

15. Every application shall give particulars of

- (a) the nature and composition of the explosive;
- (b) the limiting percentages of each ingredient of the explosive;
- (c) any substitute or substitutes it may be desired to have approved for any specified ingredient; and
- (d) in the case of a new explosive the process by which it is proposed to carry out its manufacture.

16. When, in the opinion of the Chief Inspector, an explosive in respect of which an application is made may properly be considered for authorization, and is such as may, under regulations then in force, be forwarded by railroad or other available means of conveyance, the Chief Inspector shall instruct the applicant as to the samples required and the manner of forwarding them.

17. No person shall send a sample of an explosive to the Chief Inspector unless such person has first received the instructions referred to in section 16.

18. No person shall send a sample of an explosive to the Chief Inspector otherwise than in accordance with instructions given by the Chief Inspector pursuant to section 16.

19. (1) Explosives submitted for authorization shall be subject to such of the tests enumerated in subsection (2) as the Chief Inspector considers necessary or desirable.

(2) The tests referred to in subsection (1) are tests of,

- (a) *Physical properties*—including consistency, reaction, absorptive power for moisture, segregation in transport, or otherwise, of the constituents; exudation, behaviour at low temperatures, specific gravity and such other physical properties as may be considered necessary;

Explosives Act—continued

- (b) *Chemical composition*—determination of the percentage composition of the ingredients forming the explosive, and the quality of the ingredients employed in its manufacture;
- (c) *Stability*—Abel's heat test, Bergmann-Junk test, storage test at seventy-five degrees Centigrade, stability and properties after subjection to varying artificial atmospheric conditions such as would tend to produce spontaneous ignition of an explosive (including fireworks) or variation in sensitiveness;
- (d) *Ignition*—ignition point, behaviour on ignition, liability to spontaneous ignition, behaviour on ignition in quantity;
- (e) *Mechanical sensitiveness*—determination of sensitiveness to friction, percussion by fall hammer, friction pendulum, broom stick, mortar or other like tests;
- (f) Detonation by influence;
- (g) Velocity of detonation;
- (h) Trauzl's lead block test for comparative disruptive effect;
- (i) Compression of small lead block for relative percussion effect;
- (j) Length and duration of flame;
- (k) Composition of gases evolved upon explosion;
- (l) Calorimetric valuation of the explosive; and
- (m) Such other tests as the Chief Inspector may specify.

20. The Chief Inspector may at any time subject any explosive to the tests enumerated in section 19.

Part III**LICENCES, PERMITS, AND CERTIFICATES**

21. (1) The following forms are prescribed for use in connection with the applications for, and granting of, licences for factories and magazines, certificates for registered premises and permits for the importation of explosives, namely,

- (a) Form of application for a licence for a factory or magazine for explosives, as set forth in Form A;
- (b) Form of Factory Licence, as set forth in Form B;
- (c) Form D to accompany an application for a licence for a factory or magazine, on which shall be entered a description of the construction of the buildings, mounds or works forming part of the factory or magazine;
- (d) Form E to accompany an application for a licence for a factory or magazine, on which shall be entered the designation of the authorized explosives that may be manufactured or kept in the factory or stored in the magazine;
- (e) Form F to accompany an application for a licence for a factory, on which shall be entered particulars relating to the process or processes that may be carried on in, or the use which may be made of, each building, room or place in the factory, together with the nature and quantity of the explosive, or explosives, or ingredients thereof, or other articles in respect of which like information may be required, that may be allowed in each building, room or place, and also the maximum number of persons to be in any such building, room or place at any one time;

Explosives Act—continued

- (f) Form G to accompany an application for a licence for a factory or magazine, on which shall be specified the distances that shall be maintained between any one building or place forming part of the factory or magazine, and any other building or resort, whether within or without the factory or magazine, the classification of such buildings or resorts being as set forth in the form;
- (g) Form of Magazine Licence, as set forth in Form H;
- (h) Form of application for a licence for a temporary magazine for explosives, as set forth in Form J;
- (i) Form of Licence for Temporary Magazine, as set forth in Form K;
- (j) Form of application for a certificate for registered premises, as set forth in Form M;
- (k) Form of Certificate for Registered Premises, as set forth in Form N;
- (l) Form of application for Permission to Import Explosives, as set forth in Form P;
- (m) Form of Explosives General Importation Permit, as set forth in Form Q;
- (n) Importers' Transmission Schedule, as set forth in Form S;
- (o) Form of Explosives Annual Importation Permit, as set forth in Form T;
- (p) Form of application to transport explosives as set forth in Form U;
- (q) Form of Explosives Transportation Permit as set forth in Form V.

(2) The terms of a licence for a factory, magazine, temporary magazine certificate for registered premises and a general importation permit, properly completed in accordance with the approved application, together with such other terms or conditions as the Minister may prescribe in any particular case, shall be the terms set forth in the following appendices:

- (a) Form C, terms of a licence for a factory;
- (b) Form I, terms of a licence for a magazine;
- (c) Form L, terms of a licence for a temporary magazine;
- (d) Form O, terms of a certificate for registered premises;
- (e) Form R, terms of a general importation permit;
- (f) Form V, terms of Explosives Transportation Permit.

22. (1) Except as provided in subsections (2) and (3), a licence for a factory or magazine, unless sooner cancelled, is valid until the end of the calendar year in which it is issued.

(2) Where, in the opinion of the Minister, a factory or magazine is so situated or the licensee resides in such a district that it is impracticable to inspect the factory or magazine or to communicate with the licensee during the winter season, the licence, unless sooner cancelled, is valid for a period of twelve months from the day of issue or such lesser period as the Minister may fix.

(3) A licence for a temporary magazine is valid for a period of twelve months from the day of issue or such lesser period as the Minister may fix.

Explosives Act—continued

Inspector as soon as he has manufactured it as to the quantity and components of such explosive and provided, further, that he has otherwise observed the provisions of the Act so far as they are applicable.

28. The Minister may issue to any applicant therefor a permit to manufacture any new explosive, for experimental or testing purposes only and not for sale, upon such conditions and subject to such restrictions as are fixed by the Minister.

29. A person may, for the purpose of laboratory chemical experiment and not for practical use or sale, make a small quantity of explosive in a place that is not a licensed factory if reasonable precautions are observed to prevent injury to persons or damage to property and if the provisions of the Act and these regulations are observed as far as they are otherwise applicable.

30. The Minister may issue to any applicant therefor, a permit to manufacture fireworks in a place that is not a licensed factory upon such conditions and subject to such restrictions as are fixed by the Minister.

31. Safety cartridges for small arms may be refilled on private premises with gunpowder or propellant powder if the provisions of the Act and these regulations are observed as far as they are applicable and subject also to the following conditions:

- (a) the room in which the filling is carried on shall be detached from, but conveniently near to, the store or receptacle in which gunpowder or propellant powder is kept;
- (b) in addition to the safety cartridge already made he shall not have in the room more than three pounds of gunpowder or propellant powder;
- (c) no work other than the making of the cartridges shall be carried on in the room while such filling is being carried on; and
- (d) no fire or artificial light, except a light that is of such construction, position and character that it will not cause any danger of fire or explosion, shall be kept in the room where and when such filling is carried on.

32. No person shall manufacture, import, keep, convey, sell or offer for sale any explosive which consists of chlorate of potassium or other chlorates in a mixture with sulphur or phosphorus without the written authority of the Chief Inspector and upon such conditions and subject to such restrictions as he may fix.

Part V

PACKING FOR TRANSPORTATION BY ROAD

Definitions

33. In this Part,

- (a) "inner package" means a substantial case, bag, canister, covering or other suitable container made and closed so as to prevent any explosive from escaping;
- (b) "outer package" means a box, barrel, case or cylinder of wood, metal or other solid material, of such strength, construction and

Explosives Act—continued

character that it will not be broken or accidentally opened, nor become defective or insecure whilst being conveyed, and will not allow any explosive to escape;

- (c) “propellant” means an authorized explosive of Class 3 adapted and intended exclusively for use as a propelling charge in ordnance or small arms; and
- (d) “special authority” means a written authority granted by an inspector to which may be attached such conditions as may, in the opinion of the inspector, be necessary to meet the special requirements of the case.

34. The interior of every package shall be clean and free from grit.

35. Except as provided in this Part no iron or steel shall be used in the construction of a package unless such iron or steel is covered with a suitable material or guarded so as effectually to prevent the exposure of such iron or steel.

36. (1) Except as provided in subsection (2) no person shall pack an explosive in a package that contains another explosive or any other article or substance.

(2) Nothing in subsection (1) prohibits

- (a) the packing in one outer package of inner packages containing one kind of propellant together with inner packages containing another kind of propellant, or
- (b) the packing of an article that is not of an inflammable or explosive nature or liable to cause fire or explosion, with explosives of Division 1 of Class 6 (Ammunition).

37. Subject to sections 34, 35 and 36, the method of packing authorized explosives of the various classes respectively, and the maximum amounts that may be in any one package shall be as set forth in Schedule A.

38. Nothing in this Part prohibits the use of an additional package whether inner or outer, unless such additional package is of a character prohibited in writing by an inspector.

39. An explosive that is not an authorized explosive shall be packed in such a manner as may be directed by a special authority with reference to such explosive.

40. (1) Subject to the provisions of this section, on the outer package there shall be affixed in conspicuous characters by means of a brand or securely attached label or other mark, the word “EXPLOSIVE”, and the name of the explosive, the number of the class and division to which it belongs, and the name of the manufacturer or sender.

(2) In the case of explosives of Classes 3 and 4 there shall be added the date of manufacture or issue from the factory, or such sign indicating such date as may be approved by an inspector.

(3) In the case of cartridges or other charges for ordnance, shells, mines, blasting or other like purpose that do not contain their own means of ignition, the marking shall be as for the explosive when not so made up.

(4) In the case of explosive of Division 1 of Class 6, except safety fuses, there shall be added the words “Not liable to explode in bulk”.

Explosives Act—continued

(5) In the case of safety fuses or gunpowder the word “EXPLOSIVE” and the number of the class and division may be omitted.

(6) Where an outer package contains more than one explosive, the required marking shall be affixed separately in respect of each explosive contained.

41. To meet special cases exemption may be granted by special authority from the observance of any one or more of the conditions prescribed by this Part.

Part VI

TRANSPORTATION BY ROAD AND PRIVATE RAILWAY

42. In this Part,

- (a) “carrying capacity” as applied to a motor vehicle means the gross vehicle weight rating (manufacturer’s rating) less the weight of the unloaded vehicle together with the weight of all necessary equipment, fuel and tires;
- (b) “Explosives Transportation Permit” means a permit granted by the Minister and subject to such restrictions and conditions as he may deem expedient to transport explosives in quantities in excess of 4,000 pounds but not exceeding 10,000 pounds, but in no case may such a permit authorize the transportation of more than eighty per centum of the carrying capacity of any vehicle;
- (c) “motor vehicle” means truck, automobile, and any other vehicle propelled or driven otherwise than by muscular power; but does not include traction engines or electric or steam railway cars or motor vehicles running only upon rails to which the Railway Act applies;
- (d) “private railway” means any railway to which the Railway Act does not apply;
- (e) “semitrailer” means a vehicle towed by a truck tractor and so constructed that some part of its weight rests upon the truck tractor;
- (f) “truck tractor” means a motor vehicle designed and used for towing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so towed; and
- (g) “vehicle” includes motor vehicle and every vehicle drawn or propelled by muscular power such as a horse-drawn vehicle.

43. No person may at any time carry on any vehicle explosives in excess of eighty per centum of the vehicle’s carrying capacity.

44. The maximum quantity of explosives that may be carried in any one car of a private railway of less than standard gauge is 10,000 pounds.

45. Subject to any other conditions or restrictions herein and to such other condition and restriction as may be imposed by the Minister, the maximum quantity of explosives that may be carried in any vehicle without an Explosives Transportation Permit is 4,000 pounds.

Explosives Act—continued

46. The Minister may, subject to such conditions and restrictions as in his opinion may be required for the public safety, grant an Explosives Transportation Permit to any person applying therefor and who has otherwise complied with the requirements of the Act, these regulations and any other requirement that he may deem requisite.

47. A person desiring an Explosives Transportation Permit shall apply therefor on Form U, giving all the information therein required; the forms may be obtained from the Chief Inspector.

48. (1) Notwithstanding anything in these regulations, no person shall transport nitroglycerine or diethylene glycol dinitrate in any vehicle in any quantity without having first obtained the written authority of the Chief Inspector for such transport.

(2) This section does not apply to transportation of explosives within a licenced factory.

49. No person shall transport explosives in any towed vehicle or tow any vehicle transporting explosives without the written authority of the Chief Inspector; provided that explosives may be transported in a semi-trailer when attached to a truck tractor subject to all the other conditions, limitations and restrictions herein.

50. (1) Subject to subsection (2), no person shall transport any explosives in a vehicle carrying public passengers.

(2) A quantity not exceeding five pounds of explosives belonging to Division 1 of Class 6 (ammunition) or Division 2 of Class 7 (fireworks) may be carried in a vehicle carrying public passengers.

51. Notwithstanding sections 43, 44 and 45, the following explosives may be transported in any quantity not exceeding the carrying capacity of the vehicle:

- (a) nitrocellulose of Division 2 of Class 3 (nitrocompound) when wetted with water or alcohol in the proportions of not less than one pound of water or alcohol to four pounds of dry material; or
- (b) nitrone explosives of Division 2 of Class 6 (ammunition) but not nitrone primers of Division 2 of Class 6; and
- (c) explosives of Division 1 of Class 6.

52. Every person before forwarding a consignment of explosives to a warehouseman or carrier shall

- (a) give notice to the warehouseman or carrier stating the name and quantity of explosives proposed to be transported and the name and address of the proposed consignee; and
- (b) have received notice from the warehouseman or carrier of the time at which he is prepared to receive the consignment.

53. A warehouseman or carrier shall not state that he is prepared to receive a consignment of explosives nor shall he receive such consignment, unless he is prepared forthwith to despatch the same or to deposit the explosive in a magazine or store duly licensed or authorized for the keeping of such explosives.

Explosives Act—continued

54. The owner or operator of a vehicle shall not receive a consignment of explosives unless he has before receiving the consignment

- (a) given notice, general or special, to the owner or operator of a magazine of the time at which he is prepared to deliver the consignment to the magazine; and
- (b) received from such owner or operator of the magazine the confirmation that he is prepared to receive such consignment at or about the time specified in the notice.

55. The stowage of explosives transported in any vehicle shall be subject to the following conditions:

- (a) no explosive of Class 5 (fulminate), of Division 3 of Class 6 (ammunition) or of Class 7 (firework) shall be transported in the same vehicle with any explosive not of the class or division to which it belongs, unless it is sufficiently separated therefrom to prevent any fire or explosion that may take place in one such explosive from being communicated to another; detonators and electric detonators of Division 3 of Class 6 (ammunition) shall be deemed, for the purpose of this paragraph to be sufficiently separated from an explosive of another class or division if:

- (i) the detonators and electric detonators are packed in accordance with Part V,
- (ii) the total number of detonators and electric detonators does not exceed five thousand No. 6 or their equivalent; and
- (iii) the detonators and electric detonators are separated from other explosives by a partition of wood six inches thick.

- (b) except as provided in section 50, no explosive shall be transported in any vehicle that is not fitted with sides and tail-gate or a partition of sufficient height to ensure that the explosive cannot fall from the vehicle, and every consignment of explosives unless transported in a vehicle having a completely enclosed body shall during transit be covered with a fire resistant tarpaulin or other suitable material so as to effectually protect the explosives against accident by fire from without and from rain and snow;

- (c) no iron or steel shall be in the interior of the portion of the vehicle where the explosive is deposited, unless the iron or steel is covered either permanently or temporarily with leather, wood, tarpaulin or other suitable material;

- (d) no matches other than safety matches shall be carried in any vehicle containing explosive, and such safety matches shall be kept in a safe place apart from the explosive; and

- (e) due precautions shall be taken by means of a partition or otherwise and by careful stowing, to secure the explosive from being endangered by any other article or substance transported in the vehicle.

56. The operations of loading, unloading or transportation of explosives shall be subject to the following conditions:

- (a) all persons engaged in the loading, unloading or transportation of explosives shall observe all due precautions for the prevention of accidents by fire or explosion, and for preventing unauthorized persons having access to the explosive so being loaded, unloaded

Explosives Act—continued

- or transported, and shall abstain from any act whatever that tends to cause fire or explosion, and is not reasonably necessary for the purpose of loading, unloading or transportation of such explosive or of any other article carried therewith, and for preventing any other person from committing any such act, and any other person who, after being warned, commits any such act, shall be deemed to commit a breach of this regulation;
- (b) once the loading or unloading of explosive on or out of any vehicle is begun it shall not be stopped until completed and it shall be completed as expeditiously as possible;
 - (c) no bale hooks or other metal tools shall be used for the loading, unloading or other handling of packages containing explosives nor shall any package or container of explosives be thrown or dropped during such loading or unloading;
 - (d) the engine of a gasoline or oil-driven vehicle shall not be run during the loading or unloading of explosives;
 - (e) the ignition of a gasoline or oil-driven vehicle shall be turned off and the brakes set when the vehicle containing explosives is parked;
 - (f) gasoline or oil driven motor vehicles used for the transportation of explosives shall be inspected daily to ascertain that:
 - (i) fire extinguishers are filled and in working order;
 - (ii) electric wiring is completely insulated and firmly secured;
 - (iii) gasoline tank and feed lines have no leaks;
 - (iv) chassis, engine, pan and bottom of body are clean and free from surplus oil and grease; and
 - (v) brakes and steering apparatus are in good condition;
 - (g) a vehicle that is not in sound mechanical condition in all respects and suitable for and capable of safely transporting explosives shall not be used to transport explosives;
 - (h) explosives shall not be loaded onto a motor vehicle unless the vehicle has been fully serviced with respect to supplies of fuel, oil and air;
 - (i) the gasoline tank of a vehicle shall not be filled while explosives are upon the vehicle except in case of necessity, in which case the engine shall be stopped, the ignition shut off, and no gasoline tank filled at any place where filling would be a danger to the public safety;
 - (j) smoking on, in or while attending any vehicle containing an explosive is prohibited;
 - (k) the driver or operator of any vehicle containing an explosive shall not drive or conduct the same in a dangerous or reckless manner, and a person who is impaired shall not have charge of any such vehicle, and shall not be permitted to be in, on or attend the same;
 - (l) the driver or operator of a vehicle transporting explosives shall not stop unnecessarily but when a stop is necessary it shall not be longer than may be reasonably required; stops at places where the public safety would be endangered shall be avoided;

Explosives Act—continued

- (m) routes passing through centres of habitation shall as far as possible be avoided;
- (n) due provision shall be made for preventing the introduction into a vehicle of fire, matches or any substance or article likely to cause explosion or fire, or any iron, steel or grit that may come into contact with an explosive; this paragraph does not prevent the introduction of an artificial light of such construction, position or character, or of safety matches of a character that will not cause any danger of fire or explosion;
- (o) on any vehicle containing explosives in excess of fifty pounds a red flag, at least two feet square, shall be flown by day and a red light shown by night;
- (p) any vehicle transporting more than one hundred and fifty pounds of explosives shall be equipped with a fire extinguisher in working order, of adequate size and capable of dealing with a gasoline or oil fire;
- (q) each vehicle transporting explosive shall be in the exclusive charge of and constantly attended by some competent person, not under twenty-one years of age, and such person shall not have charge of more than one such vehicle; but this requirement does not apply to any private railway if the vehicle forms part of a continuous train that is in charge of and constantly attended by such competent person;
- (r) when a halt is made over night, the premises in which the vehicle is kept shall not be used for any other purpose that might give rise to the presence therein of naked lights, matches or any substance or article likely to cause explosion or fire, and the premises shall be at a reasonable distance from any habitation or storehouse containing articles of an inflammable nature, and such vehicle shall, at all times, be in charge of, and attended by, some competent person, not under twenty-one years of age;
- (s) when two or more vehicles, transporting explosives are travelling together, a space of at least three hundred yards between each vehicle and every other such vehicle shall be maintained unless circumstances render it impracticable;
- (t) in the case of a train on a private railway, three or more cars not containing inflammable or explosive goods shall intervene between each such vehicle and every other such vehicle, and between such vehicle and the locomotive;
- (u) vehicles transporting explosives shall not be driven past fires of any kind burning on or near the highway or other thoroughfare until after due caution shall have been taken to ascertain that such passing can be made with safety;
- (v) when it is necessary to keep a motor vehicle moving on the road in excess of ten hours two licensed drivers, not under twenty-one years of age, shall accompany the vehicle;
- (w) the speed of a vehicle transporting explosives shall conform to all local traffic laws, ordinances and by-laws and be consistent with road and weather conditions but shall in no case exceed forty miles an hour;

Explosives Act—continued

- (x) no passengers other than persons assigned to assist in handling explosives shall be permitted on a vehicle transporting explosives; and
 - (y) the driver or operator of a vehicle transporting explosives shall bring it to a full stop before crossing any railroad track and he shall make sure that the way is safely clear before crossing; he shall also bring the vehicle to a full stop before crossing main highways and then proceed only when the way is safely clear.
57. (1) When a vehicle transporting explosives is involved in an accident the driver or operator of the vehicle shall
- (a) comply with all requirements of provincial laws and by-laws relating to highway accidents;
 - (b) notify the nearest Royal Canadian Mounted Police detachment or nearest provincial or municipal police officer;
 - (c) notify the owner of the vehicle who shall with all due diligence despatch a relief vehicle and remove the explosive for transportation to its destination or to a suitable place for storage until it can be taken to its destination; and
 - (d) notify the Chief Inspector of the circumstances attending the accident;
- (2) When a vehicle transporting explosives has become disabled or suffered a breakdown the driver shall
- (a) make or permit to be made minor repairs if the repairs can be made without hazard;
 - (b) in event of major repairs, prevent repairs being made to the vehicle until the load has been transferred into a relief vehicle or has been placed under proper security at a safe distance from the highway and not less than 300 yards from an inhabited house; and
 - (c) notify the Chief Inspector of the circumstances necessitating the unloading of the explosives *en route*.
58. In addition to all other requirements respecting transportation by road the owner or operator of a motor vehicle to whom an Explosives Transportation Permit has been issued, or the driver of such vehicle as the case may be, shall observe the following provisions:
- (a) the Explosives Transportation Permit shall be carried at all times in the vehicle for which it is issued and shall be produced when requested by any person designated in the permit;
 - (b) a manifest, memorandum receipt, bill of lading, shipping order or other memoranda shall be carried in the vehicle at all times, such document shall set forth the name and address of the consignor and consignee, the name and the quantity, by weight, of explosive being carried, the marking required by section 40, and the name of driver(s) or operator(s) and of persons authorized by the owner of the vehicle to accompany the vehicle and such document shall be produced, when requested, for inspection by any person designated in the permit;
 - (c) subject always to the provisions of paragraph (v) of section 56, at least two men shall accompany the vehicle, a driver and a helper, each of whom shall be not less than twenty-one years of age;

Explosives Act—continued

- (d) the word "EXPLOSIVES" shall be displayed on the body or, if separate, securely fastened to the body of the vehicle, painted in luminous paint or such other markings as may be required by the Chief Inspector, in letters not less than six inches in height on a contrasting background; the signs shall be carried on the sides, front and rear of the vehicle but shall be covered or removed when no explosives are carried;
- (e) the vehicle shall be equipped with the following fire extinguishing equipment in good working order:
 - (i) one fire extinguisher, vaporizing type, of one and one half quart size or units having a combined capacity of one and one half quarts, or
 - (ii) one fire extinguisher, carbon dioxide type, of four pound capacity or units having a combined capacity of four pounds, or
 - (iii) one fire extinguisher, dry chemical type, of four pound capacity or units having a combined capacity of four pounds;
- (f) no other goods, materials or articles shall be transported in the same vehicle with explosives; and
- (g) no explosive of Division 3 of Class 6 (detonators) shall be transported in the same vehicle with any explosive not of the same class and division.

59. When the owner or operator of a factory, magazine or registered premises reasonably believes that the transportation of explosives in any vehicle would violate any provision of the Act or these regulations or any term or condition attached to a valid Explosives Transportation Permit he shall not deliver explosives to the owner or operator of such vehicle.

Part VII**FACTORIES FOR EXPLOSIVES**

60. The terms of a licence for a factory shall be duly observed, and the manufacture or keeping, or any process in or work connected with the manufacture or keeping of explosives, shall not be carried on except in accordance with those terms.

61. A factory magazine shall be used only for the keeping of such explosive and of such ingredients thereof as may be specified in the licence, and receptacles for or tools or implements for work connected with the keeping of such explosive and ingredients.

62. A building in which explosive or any ingredient thereof that either by itself is possessed of explosive properties, or that when mixed with any other ingredient or article, also present in such building, is capable of forming an explosive mixture or an explosive compound, is kept or present or may be kept or present in the course of manufacture shall, unless specially exempted by the licence or by an order of an inspector, be deemed to be a danger building; and the interior of every such building, and the benches, shelves and fittings in such building (other than machinery), shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel, and the detachment of any grit, iron, steel or similar sub-

Explosives Act—continued

stance in such manner as to come into contact with the explosive or ingredients thereof in such building; and such interior, benches, shelves and fittings shall, so far as is reasonably practicable, be kept clean and free from grit.

63. Charcoal, whether ground or otherwise, oiled cotton, oiled rags or oiled waste or any article liable to spontaneous ignition, shall not be taken into any danger building except for the purpose of immediate supply and work or immediate use in such building, and upon the cessation of such work or use shall be forthwith removed.

64. Before repairs are done to, or in any room in or other part of, a danger building, that room or part shall, so far as practicable, be cleaned by the removal of all explosive, and wholly or partly mixed ingredients thereof, and by the thorough washing of such room or part; such room or part of the building, after being so cleaned, shall be deemed not to be a danger building within the meaning of this Part until explosive or any ingredient thereof that either by itself is possessed of explosive properties, or that, when mixed with any other ingredient or article also present in such building, is capable of forming an explosive mixture or an explosive compound, is again taken into it; and during the time that such room or part of the building is so deemed not to be a danger building within the meaning of this Part a person employed to make such repairs may, notwithstanding anything in this Part, have matches in his possession in such room or part of the building if the work to be done by him requires the use of matches and if he holds a permit, signed by or under the authority of the operator of the factory authorizing him to have matches in his possession in such room or part of the building.

65. The Minister may, in writing, impose such conditions or restrictions as he may deem necessary in any particular factory and he may, subject to such conditions as he may think expedient, waive any requirement under this Part in respect of any particular factory.

66. The operator of a factory shall constantly keep affixed in every danger building, either outside or inside, in such manner as to be easily read, a statement of the quantities of explosive or ingredients allowed to be in the building, a copy of this Part, a copy of any portions of the Act required by the Minister to be so affixed, such part of the licence as applies to the building, a copy of the conditions and restrictions imposed by the Minister under this Part with reference to that building, and the name of the building, or words indicating the purpose for which it is used, and the operator shall also suitably place in or near the site of the factory, notices giving warning against trespassing on the property, which notices shall include the terms of section 21 of the Act.

67. All tools and implements used in any repairs to or in a danger building shall be made only of wood or copper or brass or some soft metal or material, or shall be covered with some safe and suitable material.

68. Due provision shall be made, by the use of suitable working clothes without pockets and suitable shoes and by searching and otherwise, or by some or all of such means, to prevent the introduction into any danger

Explosives Act—continued

building of fire, matches or any substance or article likely to cause explosion or fire, and to prevent the introduction of any iron, steel or grit into any part of a danger building where it would be likely to come into contact with explosive or the wholly or partially mixed ingredients thereof; but this section does not prevent the introduction of artificial light of such construction, position or character that will not cause any danger of fire or explosion.

69. No person shall smoke in any part of the factory except in such part, if any, as may be allowed by the Minister under this Part.

70. No person shall have in his possession a match or other fire-producing device in any part of a factory except in such part, if any, as may be allowed by the Minister under this Part.

71. Any carriage or other receptacle in which explosive, or any ingredient thereof that by itself is possessed of explosive properties, or that when mixed with any other ingredient or article also present in such carriage or receptacle is capable of forming an explosive mixture or an explosive compound, is conveyed from one building to another in a factory, or from any building to any place outside of the factory, or from one part of a factory to any other part or to a place outside of the factory shall, unless specially exempted by the licence, or by an order of an inspector, be constructed without any exposed iron or steel in the interior thereof, and shall convey only the explosive and ingredients, and shall be closed or otherwise properly covered over; and the explosive and ingredients shall be so conveyed with due diligence and with such precaution and in such manner as will sufficiently guard against any accidental ignition or explosion; provided that so much of this section as applies to the exclusion of iron or steel does not apply to a carriage or other receptacle in which no explosive other than explosive of Division 1 of Class 6 (ammunition) is conveyed.

72. A person under the age of sixteen years shall not be employed in or enter any danger building except in the presence and under the supervision of some responsible person over the age of twenty-one years.

73. Every ingredient in course of manufacture into explosive that either by itself is possessed of explosive properties, or that when mixed with any other ingredient or article also present in any working building is capable of forming an explosive mixture or an explosive compound, shall be removed with due diligence from such working building so soon as the process connected with those ingredients that is carried on in such building is completed, and all finished explosive shall with due diligence either be removed to a factory magazine or sent immediately from the factory, and such explosive and ingredients shall be loaded and unloaded with due diligence.

74. Where danger may arise from foreign matter being present with the explosive or any ingredient thereof, all ingredients to be made or mixed into the explosive shall, before being so made or mixed, be carefully examined, sifted or otherwise treated for the purpose of removing therefrom or excluding, so far as is practicable, all such dangerous foreign matter.

Explosives Act—continued

75. On the approach of a thunderstorm the magazine and other danger buildings shall be closed and every person engaged in or about them shall be withdrawn therefrom except where an operation is in process, the stopping of which would in itself contribute a danger, in which case the operation shall be carried on to that point at which it can be suspended with safety, and no such operation shall be commenced during the storm.

76. The operator of a licensed factory shall keep a record of the issues of explosives from the factory, which record shall be produced by him to an inspector whenever the inspector so requires.

77. Every person who is required by the Minister under this Part to do or abstain from doing anything, shall do or abstain from doing such things as may be required of him.

Part VIII**MAGAZINES FOR EXPLOSIVES**

78. (1) The terms of a licence for a magazine shall be strictly observed, and the keeping or any work connected with the keeping, of explosives shall not be carried on except in accordance with these terms.

(2) Every magazine

- (a) shall be used only for the keeping of such explosives as may be specified in the licence and of receptacles for the tools or implements for work connected with the keeping of such explosives; and
- (b) shall have a door of solid construction securely hung which, except when it is required to be open for the receipt or issue of explosives or other necessary purpose, shall be securely locked.

79. When an explosive of Class 5 (fulminate) is kept in a magazine no explosive of any other class shall be kept in that magazine.

80. When two or more explosives are kept in the same magazine they shall be separated from each other by an intervening partition of such substance and character as will effectually prevent explosion or fire in one communicating with the other, except that

- (a) the various explosives of Classes 1, 2, 3, 4, safety fuse belonging to Division 1 of Class 6, and such of the various explosives of Division 2 of Class 6 as do not contain any exposed iron or steel, may be kept with each other without any intervening partitions;
- (b) the various explosives of Division 1 of Class 6 may be kept with each other without any intervening partition;
- (c) such of the various explosives of Division 2 of Class 6 as contain any exposed iron or steel may be kept with each other without any intervening partition;
- (d) the various explosives of Division 3 of Class 6 may be kept with each other without any intervening partition; and
- (e) the various explosives of Class 7 may be kept with each other without any intervening partition.

81. A building in which there is kept or present explosive shall, unless specially exempted by the licence or by an order of an inspector, be deemed to be a danger building, and the interior of every such building, and the

Explosives Act—continued

benches, shelves, and fittings in such building, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel and the detachment of any grit, iron, steel or similar substance in such manner as to come into contact with the explosive in such building, and such interior, benches, shelves and fittings shall, so far as is reasonably practicable, be kept clean and free from grit; provided that so much of this section as applies to the exclusion of grit, iron or steel shall not be obligatory in a building in which no explosive other than explosive of Division 1 of Class 6 (ammunition) is kept.

82. Charcoal, whether ground or otherwise, oiled cotton, oiled rags or oiled waste, or any articles liable to spontaneous ignition, shall not be taken into any danger building except for the purpose of immediate supply and work or immediate use in such building, and upon the cessation of such work or use shall be forthwith removed.

83. Before repairs are done to, or in any room in or other part of, a danger building, that room or part shall, so far as is practicable, be cleaned by the removal of all explosive, and by the thorough washing of such room or part; such room or part of the building, after being so cleaned shall be deemed not to be a danger building within the meaning of this Part until explosive is again taken into it; and during the time that such room or part of the building is so deemed not to be a danger building within the meaning of this Part a person employed to make such repairs may, notwithstanding anything in this Part, have matches in his possession in such room or part of the building if the work to be done by him requires the use of matches and if he holds a permit, signed by or under the authority of the operator of the factory, authorizing him to have matches in his possession in such room or part of the building.

84. The Minister may, in writing, impose such conditions or restrictions as he deems necessary in respect of any particular factory under this Part and he may, subject to such conditions as he may think expedient, waive any requirement under this Part in respect of any particular factory.

85. The operator of a magazine shall constantly keep affixed in every danger building, either outside or inside, in such a manner as to be easily read, a statement of the quantity of explosive allowed to be in the building, a copy of this Part, a copy of any portions of the Act required by the Minister to be so affixed, such part of the licence as applies to the building and a copy of all conditions and restrictions imposed by the Minister under this Part with reference to that building, and the operator shall also suitably place in or near the site of the magazine, notices giving warning against trespassing on the property, which notices shall include a quotation of section 21 of the Act.

86. All tools and implements used in any repairs to or in a danger building shall be made only of wood, copper, brass or some soft metal or material, or shall be covered with some safe and suitable material.

87. No person shall have in his possession a match or other fire-producing device in any part of a magazine except in such part, if any, as may be allowed by the Minister under this Part.

88. Due provision shall be made, by the use of suitable working clothes without pockets and suitable shoes and by searching and otherwise, or by some or all of such means, for preventing the introduction into any danger

Explosives Act—continued

building of fire, matches or any substance or article likely to cause explosion or fire, and for preventing the introduction of any iron, steel, or grit into any part of a danger building where it would be likely to come into contact with explosive; and in the case of a magazine in which any explosive that is liable to be dangerously affected by water is kept, due precautions shall be taken to exclude water from such magazine; but this section does not prevent the introduction of an artificial light of such construction, position, or character that will not cause any danger of fire or explosion; and so much of this section as applies to the exclusion of iron, steel, or grit does not apply in a magazine in which no explosive other than explosive of the Division 1 of Class 6 (ammunition) is kept.

89. No person shall smoke in any part of a magazine, except in such part, if any, as may be allowed by the Minister under this Part.

90. Any vehicle, or receptacle in which explosive is conveyed from one building to another in a magazine, or from any building to any place outside of a magazine, or from one part of a magazine to any place outside of a magazine shall, unless specially exempted by the licence or by an order of an inspector, be constructed without any exposed iron or steel in the interior thereof, and shall convey only the explosive, and shall be closed or otherwise properly covered over; and the explosive shall be so conveyed with due diligence and with such precautions and in such manner as will sufficiently guard against any accidental ignition or explosion; provided that so much of this section as applies to the exclusion of iron or steel does not apply to a carriage or other receptacle in which no explosive other than explosive of Division 1 of Class 6 (ammunition) is conveyed.

91. A person under the age of sixteen years shall not be employed in or enter any danger building, except in the presence and under the supervision of some responsible person over the age of twenty-one years.

92. On the approach of a thunderstorm the magazine, if open, shall be closed, and every person in or about the magazine shall be withdrawn therefrom for the duration of the storm.

93. Every operator of a magazine shall enter in a book to be kept by him for that purpose the name and address of every person to whom, and the date on which explosives are consigned or delivered from his magazine, and the name and address of every person from whom explosives are received at the magazine, together with particulars of the quantity and nature of the explosives consigned, delivered, or received; such book shall be produced by him to an inspector whenever the inspector so requires.

94. Every person who is required by the Minister under this Part to do or abstain from doing anything, shall do or abstain from doing such thing as may be required of him.

Part IX**MAGAZINES FOR FIREWORKS**

95. (1) The terms of a licence for a magazine for fireworks shall be strictly observed, and the keeping, or any work connected with the keeping, of fireworks shall not be carried on except in accordance with those terms.

Explosives Act—continued

(2) A magazine for fireworks shall be used exclusively for the keeping of manufactured fireworks to an amount not exceeding that specified in the licence, and of such tools or implements required for work connected with the keeping of such fireworks as are set forth in the special rules made by the Minister under this Part.

(3) Every magazine used for the keeping of fireworks shall be kept locked except when required to be open for the receipt or issue of fireworks or other necessary purpose.

96. Where a magazine for fireworks forms part of a building, the other parts of which are used for any other purpose, it shall be separated therefrom by suitable fireproof partitions and the floor, roof and doors shall also be of a fireproof character; it shall be equipped with an efficient system of sprinklers, and such other measures as may, in the opinion of an inspector, be deemed necessary in the interests of the prevention or localization of fire, shall be taken by the licensee, whether or not these are set forth in the terms of the licence.

97. Where a detached building is used as a magazine for fireworks, the provision of sprinklers and fireproof walls, floor, roof and doors shall, unless specially required by the terms of licence, be optional, but such other measures as may, in the opinion of an inspector, be deemed necessary in the interests of the prevention and localization of fire, shall be taken by the licensee, whether or not these are set forth in the terms of the licence.

98. The interior of a magazine for fireworks, and the benches, shelves and fittings in the magazine, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel and the detachment of any grit, iron, steel or similar substance in such manner as to come in contact with the fireworks in such magazine, and such interior, benches, shelves and fittings shall, so far as is reasonably practicable, be kept clean and free from grit.

99. No fire, matches, oiled waste, iron, steel, grit or any article liable to spontaneous ignition, or likely to cause explosion or fire, shall be taken into, or permitted to be at any time in the magazine, nor shall any lights be taken into, or be permitted to be at any time in the magazine, other than electric lights or electric torches or other closed and protected lanterns so designed and constructed that the flame or incandescent portion cannot come in contact with any material outside of the lantern, and which is not liable to cause fire or explosion on falling.

100. The operator of a magazine for fireworks shall constantly keep affixed in every such magazine, either outside or inside, in such manner as to be easily read, a statement of the quantity of fireworks allowed to be in the magazine, a copy of this Part, a copy of the special rules made by the Minister under this Part, any part of the Act required by the Minister to be so affixed, and such part of the licence as applies to the magazine; and where the magazine is an entire building separate from other buildings, the operator shall suitably place in or near the site of the magazine, notices giving warning against trespassing on the property, which notices shall include the terms of section 21 of the Act.

101. All tools or implements kept or used in a magazine for fireworks, or in opening, securing and removing packages containing fireworks, shall be made only of copper, bronze, brass, gun metal or wood.

Explosives Act—continued

102. A person under the age of sixteen years shall not be employed in or enter any magazine for fireworks, except in the presence and under the supervision of some responsible person over the age of twenty-one years.

103. Every magazine for fireworks shall have the word "Explosives" clearly displayed thereon in large letters on a contrasting background.

104. (1) The Minister may make special rules to be observed in any particular magazine for fireworks.

(2) Every person who is required by a special rule made by the Minister under this Part to do or abstain from doing anything, shall do or abstain from doing such things as may be required of him.

Part X**SALE OF EXPLOSIVES**

105. Any person not the owner or occupant of a licensed factory, licensed magazine or registered premises may, subject to the following conditions and restrictions, sell the following explosives:

- (a) gunpowder or small arms nitro-compound when the total quantity stored for sale does not exceed twenty-five pounds; provided that storage of the explosive is in accordance with the requirements of "detached store" or "suitable receptacle" as defined in sections 111, 112, 113 and 114;
- (b) percussion caps when the total quantity stored for sale does not exceed 10,000 in number and provided that they are stored separately from other explosives in a "suitable receptacle" as defined in sections 113 and 114;
- (c) safety cartridges made with gunpowder or with small arms nitro-compound, and safety fuses, if the quantity stored does not exceed that permitted by Part XII; and
- (d) manufactured fireworks classed as "shop goods", distress signals, maroon signals and fusees, if the quantity stored does not exceed that permitted by Part XII of these regulations; or
- (e) authorized explosives sold by the owner, operator or manager of a mine or quarry
 - (i) for immediate use in the said mine or quarry, or
 - (ii) to *bona fide* prospectors, if the magazine is under the supervision of a provincial Department of Mines or is licensed under the Act and if the owner, operator or manager keeps a written record of the name and address of the prospector, the nature and quantity of explosives sold and the date of the sale, which record shall be open at any time for inspection by an inspector or a peace officer as defined in the Criminal Code.

106. (1) Every manufacturer shall plainly print on every article of shop goods manufactured by him or, if the printing on the article is not practicable, on every package containing shop goods, his name and address, or the name and address of his accredited distributor, and precautions or instructions for the proper use of the article.

Explosives Act—continued

(2) No person shall sell any article of shop goods unless there is plainly printed on the article or, if the printing on the article is not practicable, on every package containing shop goods, the name and address of the manufacturer, or the name and address of his accredited distributor, and directions or instructions for the proper use of the article.

107. No person shall be compelled to sell to or deliver to any person any explosive which he has reasonable grounds to believe may be used for a criminal or mischievous purpose.

Part XI

AMOUNT OF AUTHORIZED EXPLOSIVE THAT MAY BE KEPT IN REGISTERED PREMISES, AND THE MANNER IN WHICH IT SHALL BE HANDLED AND STORED

108. This Part does not apply to premises used for the keeping of explosives of Division 1 of Class 6 (ammunition) or of Division 2 of Class 7 (fireworks).

109. (1) Explosives shall not be kept in registered premises to an amount exceeding that authorized by this Part or such lesser amount as may be authorized in the certificate of registration or by provincial or local authority.

(2) Explosives shall not be kept in registered premises in a manner other than that prescribed by this Part.

110. Registered premises may comprise either a detached store or a suitable receptacle, or both, provided that the location and construction of the store, and the nature of the receptacle, and the manner of their maintenance, are as described in this Part.

111. In this Part, the expression "detached store" means

- (a) a building well and substantially constructed of brick, stone, concrete or other fire-resistant substance or of wood covered or treated with fire-resistant material;
- (b) a bin well and substantially constructed of wood covered or treated with fire-resistant material; which building, or bin is
 - (i) detached from any building, and situated at a safe distance from any highway, street, public thoroughfare or public place;
 - (ii) made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without; and
 - (iii) exclusively used for the keeping of explosives.

112. In regard to any detached store the following provisions shall be observed:

- (a) the door of the store shall be of a substantial construction, and shall open outwards, and shall be kept securely closed and locked except when the store is required to be open for the receipt or issue of explosives, or for other necessary purpose;
- (b) adequate provision shall be made for the ventilation of the store;

Explosives Act—continued

- (c) the interior of the store and all fittings therein shall be so constructed, covered or lined, as to prevent the exposure of any iron or steel, or of any hard or gritty surface, or the entry, detaching, or accumulating of any grit, iron, steel, or similar substance;
- (d) the interior of the store shall be kept scrupulously clean;
- (e) in the case of any explosive that is liable to be dangerously affected by water, such as those of Division 1 of Class 3, due precautions shall be taken to exclude water from the store;
- (f) any article or substance of a highly inflammable nature, or any article liable to cause fire or explosion shall be kept at a safe distance from the store;
- (g) no fire, lights, matches, oiled waste, iron, steel, grit, or any article liable to spontaneous ignition, or likely to cause explosion or fire shall be taken into, or permitted to be at any time in the store;
- (h) all tools or implements kept or used in a store where explosives are present, or in opening, securing or removing packages containing explosives shall be made only of copper, bronze, brass, gun metal or wood; and
- (i) the store shall have the word EXPLOSIVES clearly displayed thereon in large letters on a contrasting background.

113. In this Part, the expression "suitable receptable" means a substantial box or substantial container, and the following conditions shall be observed with regard thereto:

- (a) it may be placed inside a building that is not necessarily itself adapted for the keeping of explosives;
- (b) once stored, it shall not be moved to a location other than that prescribed in the certificate of registration;
- (c) it shall be kept away from goods of an inflammable nature; and
- (d) it shall be kept in a place of easy access for removal in case of fire.

114. In regard to any receptable the following provisions shall be observed:

- (a) it shall be provided with a closely fitting lid secured by a lock, and hinges and fastening, preferably of copper or brass; and otherwise closed and secured so as to prevent unauthorized persons having access thereto, and shall be kept locked except when required to be open for the receipt or removal of explosives, or other necessary purpose;
- (b) it shall be exclusively used for the keeping of explosive;
- (c) it shall be made of wood, copper or other suitable material;
- (d) the interior of the receptable and all fittings therein shall be so constructed, covered or lined, as to prevent the exposure of any iron or steel, or of any hard or gritty surface, or the entry, detaching, or accumulating of grit, iron, steel or similar substance;
- (e) the interior of the receptable shall be kept scrupulously clean; and
- (f) the receptacle shall have the word EXPLOSIVES conspicuously painted thereon on a contrasting background.

Explosives Act—continued

115. Explosives kept on registered premises shall be kept in accordance with provincial laws or provincial or local regulations, and there shall not be kept on registered premises any explosive that is not an authorized explosive or an explosive of Class 5 (fulminate).

116. The quantity of the explosives that may be kept in registered premises shall not exceed the following or any less amount prescribed in the certificate of registration or by the provincial or local authority, namely

- (a) explosives of Classes 1, 2, 3 and 4, in the aggregate—one hundred and seventy-five pounds;
- (b) explosives of Division 3 of Class 6—six thousand detonators; and
- (c) safety fuse—not limited,

but where a person is authorized to keep explosives both in a detached store and in a receptacle in the same premises, the total quantity so kept shall not exceed the maximum specified in this Part.

117. When two or more explosives are kept on the same premises they shall each be kept in separate stores or receptacles, so separated from one another as effectually to prevent fire or explosion in one communicating with the other, except that

- (a) the various explosives of Class 1 (gunpowder), Class 2 (nitrate-mixture), Class 3 (nitro-compound), Class 4 (chlorate-mixture), safety fuse belonging to Division 1 of Class 6 (ammunition), and such of the various explosives of Division 2 of Class 6 (ammunition) as do not contain any exposed iron or steel, may be kept with each other without any intervening partition or space;
- (b) the various explosives of Division 1 of Class 6 (ammunition) may be kept with each other without any intervening partition or space;
- (c) such of the various explosives of Division 2 of Class 6 (ammunition) as contain exposed iron or steel may be kept with each other without any intervening partition or space;
- (d) the various explosives of Division 3 of Class 6 (ammunition) may be kept with each other without any intervening partition or space; and
- (e) the various explosives of Class 7 (fireworks) may be kept with each other without any intervening partition or space.

118. (1) Every operator of registered premises shall enter in a book, and keep a record of his receipts of all explosives, and also of his sales and issues, giving particulars of the persons from whom received and to whom sold and issued, with the dates of each transaction together with the quantities and description of the explosive so sold and issued, and this record shall be open for inspection by any inspector or peace officer.

(2) Where an inspector reports that he is not satisfied with the form or manner in which any such record is kept by any person, the Chief Inspector may deliver or cause to be delivered to such person a form of record and instruction as to the manner in which such record is to be kept, and from and after the receipt of such form and instruction such person shall keep the required record in the form and in accordance with the instruction so given.

Explosives Act—continued**Part XII****STORAGE AND HANDLING OF AMMUNITION AND FIREWORKS FOR
SALE AND FOR PRIVATE USE**

119. No person shall keep any explosive, other than one belonging to Division 1 of Class 6 (ammunition), on the same premises where explosives of Class 7 (fireworks) are kept.

120. (1) Subject to subsections (2), (3) and (4) the quantity of explosive of Division 2 of Class 7 (manufactured fireworks) and of Division 1 of Class 6 (ammunition) that may be kept in any store or warehouse shall not exceed

(a) in a separate store or warehouse—

- (i) manufactured fireworks—two hundred and fifty pounds
- (ii) explosives contained in ammunition of Division 1 of Class 6—five hundred pounds

(b) in a container—

- (i) manufactured fireworks—fifty pounds
- (ii) explosives contained in ammunition of Division 1 of Class 6—five hundred pounds

(2) Where fireworks classed as shop goods are kept suitably separate from other manufactured fireworks or ammunition, three pounds of shop goods may be reckoned as one pound of manufactured fireworks.

(3) Shop goods to an amount not exceeding fifty pounds of the manufactured fireworks included in the quantities specified in subsection (1) may be kept for sale or display in a box, glass case or other suitable receptacle, but due precaution shall be exercised to keep such shop goods separate from general goods and from Bengal matches, and the shop goods shall be protected from the direct action of the sun's rays, and shall not be so kept for an unreasonable length of time.

(4) In no case shall the maximum quantity allowed to be kept in any premises exceed that permitted by provincial laws or regulations or municipal by-laws.

121. Manufactured fireworks in excess of the quantity specified in section 120 shall not be kept otherwise than in a factory or magazine for explosives or in a magazine for fireworks licensed under the Act; provided that a responsible person may keep a larger quantity when the same is required for immediate use, as for a fireworks display, when the place and conditions of storage comply with sections 122 and 123.

122. In this Part, the expression "separate store or warehouse" means a store or warehouse that is

- (a) detached from any dwelling house, and situated at a safe distance from any highway, street, public thoroughfare or public place;
- (b) made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without;
- (c) exclusively used for the keeping of manufactured fireworks and ammunition belonging to Division 1 of Class 6 (ammunition); and
- (d) well and substantially constructed of suitable material.

Explosives Act—continued

123. In regard to any separate store the following provisions shall be observed:

- (a) the door of the store shall be of substantial construction and shall be kept securely closed and locked except when the store is required to be open for the receipt or issue of explosives, or for other necessary purpose;
- (b) adequate provision shall be made for the ventilation of the store;
- (c) the interior of the store shall be kept scrupulously clean;
- (d) any article or substance of a highly inflammable nature, or any article liable to cause fire or explosion, shall be kept at a safe distance from the store;
- (e) no fire, matches, oiled waste, iron, steel, grit, or any article liable to spontaneous ignition, or likely to cause explosion or fire, shall be taken into, or permitted to be at any time in the store, nor shall any lights be taken into or be permitted to be at any time in the store, other than electric lights or electric torches or other closed and protected lanterns that are not liable to cause fire or explosion on falling and are so designed and constructed that the flame or incandescent portion cannot come in contact with any material outside of the lantern;
- (f) all tools or implements kept or used in a store where explosives are present, or in opening, securing and removing, packages containing explosives shall be made only of copper, bronze, brass, gun metal or wood; and
- (g) the store shall have the word "EXPLOSIVES" clearly displayed thereon in large letters on a contrasting background.

124. In this Part, the expression "container" means a box or other suitable receptacle

- (a) that may be placed inside a building that is not itself adapted for the keeping of explosives;
- (b) that is kept in a part of the premises away from goods of an inflammable nature;
- (c) the location of which is not changed from that prescribed by an inspector or pursuant to provincial or municipal laws; and
- (d) that is of easy access for removal in case of fire.

125. In regard to any container the following provisions shall be observed:

- (a) it shall be provided with a closely-fitting lid and shall be kept securely closed and locked except when the container is required to be open for the receipt or issue of explosives, or for other necessary purpose;
- (b) it shall not be used for any other purpose than the keeping of manufactured fireworks of Division 2 of Class 7, or of explosive of Division 1 of Class 6, (ammunition);
- (c) the interior of the container shall be kept scrupulously clean; and
- (d) the container shall have the word "EXPLOSIVES" conspicuously displayed thereon on a contrasting background.

Explosives Act—continued

126. Subject to any other law or by-law of any province or municipality to the contrary, and provided that reasonable precautions against accidents are taken, a person may keep on his premises, for private use and not for sale,

- (a) a quantity of manufactured fireworks not exceeding five pounds (gross), provided that fireworks for immediate use, and kept for a period not exceeding one month may be kept in quantities not exceeding the amount authorized by section 120; and
- (b) such quantity of safety cartridges as he may reasonably require for a rifle, revolver, or shotgun, which he may lawfully possess and use.

Part XIII

AMOUNT OF AUTHORIZED EXPLOSIVE THAT MAY BE KEPT FOR USE
AND NOT FOR SALE IN PLACES OTHER THAN LICENSED
FACILITIES AND LICENSED MAGAZINES AND REGISTERED
PREMISES AND THE MANNER IN WHICH IT SHALL
BE HANDLED AND STORED

127. Subject to this Part, explosives kept for private use, and not for sale, in any place other than a licensed magazine or licensed factory shall be kept in a detached store or a suitable receptacle as defined in this Part and the quantity of explosives so kept shall not exceed the maximum quantities prescribed by this Part.

128. In this Part, the expression "detached store" means

- (a) a building well and substantially constructed of brick, stone, concrete, or other fire-resistant substance or of wood covered or treated with fire-resistant material;
- (b) a bin well and substantially constructed of wood covered or treated with fire-resistant material,

which building, or bin is

- (i) detached from any dwelling house, and situated at a safe distance from any highway, street, public thoroughfare, or public place;
- (ii) made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without; and
- (iii) exclusively used for the keeping of explosives.

129. In regard to any detached store the following provisions shall be observed:

- (a) the door of the store shall be of substantial construction, and shall open outwards, and shall be kept securely closed and locked except when the store is required to be open for the receipt or issue of explosives, or for other necessary purpose;
- (b) adequate provision shall be made for the ventilation of the store;
- (c) the interior of the store and all fittings therein shall be so constructed, covered, or lined, as to prevent the exposure of any iron or steel, or of any hard or gritty surface, or the entry, detaching or accumulating of any grit, iron, steel, or similar substance;
- (d) the interior of the store shall be kept scrupulously clean;
- (e) in the case of any explosive that is liable to be dangerously affected by water, such as those of Division 1 of Class 3, due precautions shall be taken to exclude water from the store;

Explosives Act—continued

- (f) any article or substance of a highly inflammable nature, or any article liable to cause fire or explosion shall be kept at a safe distance from the store;
- (g) no fire, lights, matches, oiled waste, iron, steel, grit, or any article liable to spontaneous ignition, or likely to cause explosion or fire shall be taken into, or permitted to be at any time in the store;
- (h) all tools or implements kept or used in a store where explosives are present, or in opening, securing or removing packages containing explosives shall be made only of copper, bronze, brass, gun metal or wood; and
- (i) the store shall have the word "EXPLOSIVES" clearly displayed thereon in large letters on a contrasting background.

130. In this Part, the expression "suitable receptacle" means a substantial box or substantial container,

- (a) that may be placed inside a building that is not itself adapted for the keeping of explosives;
- (b) the location of which is not changed from that prescribed by an inspector or under provincial or municipal law;
- (c) that is kept away from goods of an inflammable nature; and
- (d) that is of easy access for removal in case of fire.

131. In regard to any receptacle the following provisions shall be observed:

- (a) it shall be provided with a closely fitting lid secured by a lock, and hinges and fastenings, preferably of copper or brass, and otherwise closed and secured so as to prevent unauthorized persons having access thereto, and shall be kept locked except when required to be open for receipt or removal of explosives, or other necessary purpose;
- (b) it shall be exclusively used for the keeping of explosives;
- (c) it shall be made of wood, copper or other suitable material;
- (d) the interior of the receptacle and all fittings therein shall be so constructed, covered or lined, as to prevent the exposure of any iron or steel, or of any hard or gritty surface, or the entry, detaching, or accumulating of grit, iron, steel or similar substance;
- (e) the interior of the receptacle shall be kept scrupulously clean; and
- (f) the receptacle shall have the word "EXPLOSIVES" conspicuously displayed thereon on a contrasting background.

132. Explosives kept for use and not for sale shall not be kept on the same premises with any explosive that is not an authorized explosive or an explosive of Class 5 (fulminate).

133. The quantity of the explosive that may be kept for use and not for sale in any one place shall not exceed the following amount:

- (a) in a detached store
 - (i) one hundred and fifty pounds, in the aggregate of blasting explosives of Classes 1, 2, 3 and 4; and
 - (ii) two thousand detonators; and

Explosives Act—continued

(iii) safety fuse—not limited,

provided that these quantities may be exceeded by a responsible person who will use such explosives within thirty days from the day such person stores such explosives and provided further that such explosives are to be used for mine prospecting, agriculture and other like purposes;

(b) in a suitable receptacle

(i) twenty pounds of explosives of Classes 1, 2, 3 and 4 of which quantity not more than ten pounds may be blasting cartridges;

(ii) two hundred detonators; and

(iii) safety fuse—not limited,

provided that where a person keeps explosives both in a detached store and in a suitable receptacle in the same premises, the total quantity so kept shall not exceed the maximum specified in paragraph (a).

134. When two or more classes of explosives are kept on the same premises they shall each be kept in separate stores or receptacles, so separated from one another as effectually to prevent fire or explosion in one communicating with the other, except that

(a) the various explosives of Class 1 (gunpowder), Class 2 (nitrate-mixture), Class 3 (nitro-compound), Class 4 (chlorate-mixture), safety fuse belonging to Division 1 of Class 6 (ammunition), and such of the various explosives of Division 2 of Class 6 (ammunition) as do not contain any exposed iron or steel, may be kept with each other without any intervening partition or space;

(b) the various explosives of Division 1 of Class 6 (ammunition) may be kept with each other without any intervening partition or space;

(c) such of the various explosives of Division 2 of Class 6 (ammunition) as contain exposed iron or steel may be kept with each other without any intervening partition or space;

(d) the various explosives of Division 3 of Class 6 (ammunition) may be kept with each other without any intervening partition or space; and

(e) the various explosives of Class 7 (fireworks) may be kept with each other without any intervening partition or space.

Part XIV

IMPORTATION OF EXPLOSIVES

135. Safety cartridges may at any one time be imported in any quantity not in excess of two thousand cartridges without an importation permit.

136. The Minister may issue to any person applying therefor a special permit to import, for the purpose of chemical analysis or scientific research, any explosive specified in such special permit, and he may prescribe therein the quantity and the conditions under which such explosive may be imported.

Explosives Act—concluded

FORMS

Copies of Schedules A and B (Forms A to V) may be obtained on application to the Explosives Division, Department of Mines and Technical Surveys, Ottawa.

EXPORT ACT. (R.S.C., 1952, c. 103)

No regulations have been made under this statute.

EXPORT AND IMPORT PERMITS ACT. (1953-54, c. 27)

	PAGE
1. <i>Export permit regulations</i>	1221
2. <i>Import permit regulations</i>	1225
3. <i>Import certificate regulations</i>	1228
4. <i>Import control list</i>	1231
5. <i>Export control list</i>	1231
6. <i>Area control list</i>	1242
7. <i>Transshipment regulations</i>	1243
8. <i>General export permit No. Ex. 1</i>	1245
9. <i>General export permit No. Ex. 2</i>	1246
10. <i>General export permit No. Ex. 3</i>	1249
11. <i>General import permit No. Im. 1</i>	1249

1. Export Permit Regulations

P.C. 1954-788

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of May, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to section 12 of the Export and Import Permits Act, Chapter 27 of the Statutes of 1953-54, is pleased to order as follows:

1. The Export Permit Regulations established by Order in Council P.C. 4320 of 22nd August, 1951, as amended, are hereby revoked, effective June 1, 1954; and
2. The annexed “Regulations respecting Export Permits” are hereby made and established, effective June 1, 1954, in substitution for the regulations hereby revoked.

Export and Import Permits Act—continued

REGULATIONS RESPECTING EXPORT PERMITS

Title

1. These regulations may be cited as the *Export Permit Regulations*.

Application for Permit

2. An application for an export permit shall be made only by a resident of Canada, that is to say, if the applicant is a natural person, he shall be a person who ordinarily resides in Canada and, if the applicant is a corporation, it shall be a corporation having its head office in Canada or operating a branch office in Canada.

3. Where an applicant will not be the exporter but is applying for an export permit for, on behalf of or for the use of another person who will export the goods, the applicant shall give such other person's name and address in the application form.

4. (1) An application for an export permit shall be made on a form provided by the Department of Trade and Commerce and procurable from the Export and Import Permits Section of that Department or from any customs office.

(2) An applicant shall furnish all information required in the application form and, without restricting the generality of the foregoing, shall, in particular,

- (a) Description of Goods—describe the goods concerned in sufficient detail as to disclose their true identity and, in so doing, avoid the use of trade names, technical names or general terms that do not adequately describe the goods;
- (b) Value—state the selling price of the goods, f.o.b. factory or first shipping point in Canada;
- (c) Ultimate Destination—state the country in which the goods are to be consumed or finally remain, after satisfying himself as far as is reasonably possible that the goods will enter into the economy of such country and will not be transhipped or diverted therefrom, or, where such country is unknown to him, state that fact in his application;
- (d) Consignee—state the name and address of the consignee or, if more than one, each consignee, to whom the goods will be exported and, where there are two or more consignees, the quantity and description of the goods that will be exported to each consignee;
- (e) Origin—state the country of origin of the goods and, if any of the goods are of United States origin, state what percentage by value of the goods that are of United States origin are in the same condition as when they were imported; and
- (f) Customs Port—state the Canadian customs port at which the Customs entry form B-13 covering the goods will be validated.

(3) An applicant shall furnish such other information, in addition to that given in the application form, as may be required by or on behalf of the Chief of the Export and Import Permits Section.

(4) An applicant shall sign copies numbers 1, 2 and 5 of the application form, shall complete the application form in septuplicate and shall send the seven copies, together with such other information as may be required, to the Export and Import Permits Section, Department of Trade and Commerce, Ottawa, Canada.

Export and Import Permits Act—continued

Issue of Permits

5. (1) When an application for an export permit has been approved and signed by or on behalf of the Minister of Trade and Commerce, the application form, with all information appearing therein, becomes a valid export permit and shall not, thereafter, be altered except by or on behalf of the Minister.

(2) Copies numbers 2, 4, 5 and 6 of the export permit shall be retained by the Department of Trade and Commerce.

(3) Copy number 1 of the export permit shall be sent to the applicant or such other person as he designates and shall be used for the purpose of presentation by or on behalf of the exporter to the Collector of Customs at the customs port at which the Customs entry form B-13 is to be validated and an additional or extra copy of the export permit shall be sent to the applicant or such other person as he designates for retention as an office copy.

(4) Copy number 3 of the export permit shall be sent, for purposes of comparison, to the Collector of Customs at the customs port at which the Customs entry form B-13 is to be validated.

General Permits

6. (1) General permits may be issued by the Minister of Trade and Commerce or on his behalf by the Chief of the Export and Import Permits Section or other person authorized by the Minister, authorizing the exportation of goods of the descriptions, to the countries and subject to the terms and conditions described therein.

(2) General permits shall be published in the *Canada Gazette*.

Shipping Requirements

7. The exporter's Customs entry form B-13 shall have entered therein the number of the export permit and shall contain the same information as to description, quantity and value of goods, consignee and country of ultimate destination as that appearing in the export permit, except in the case of logs where quantity in board measure only may be shown on the B-13.

8. Where goods may be exported without the authority of an individual or general export permit, the Customs entry form B-13 covering such goods shall be marked "no export permit required" and, in respect of all shipments to destination other than the United States, the exporter shall, on the B-13, truthfully make the following declaration, namely,

"This export does not contain goods imported from the United States that have not been further processed or manufactured in Canada and the export is in accordance with the Export and Import Permits Act and Regulations."

9. (1) The exporter shall surrender the number 1 copy of his export permit to the Collector of Customs at the customs port at which the Customs entry form B-13 covering the goods is presented for validation and such presentation for validation shall be made only at the customs port shown on the permit unless otherwise authorized by or on behalf of the Chief of the Export and Import Permits Section.

(2) The Collector of Customs shall compare the number 1 copy of the export permit so presented to him with the number 3 copy sent to him

Export and Import Permits Act—continued

by the Department of Trade and Commerce and where the exporter's copy is not presented to him or where the two copies do not agree or where the export permit does not agree with the Customs entry form B-13 or does not agree with the shipment, he shall refuse to validate the Customs entry form B-13 covering the goods.

(3) The exporter shall ensure that the validated Customs entry form B-13 or a true copy thereof showing the stamp of the Collector of Customs at the port of validation is sent to the Collector of Customs at the Canadian port of exit of the shipment and is presented to such Collector of Customs.

(4) The Collector of Customs at the Canadian port of exit shall not take the entry to account unless the validated Customs entry form B-13 or a true copy thereof is presented to him and agrees with the shipment.

(5) Where an exporter intends to export his goods in a series of shipments over the life of the permit, he shall so inform the Collector of Customs at the Canadian customs port of validation when he presents his copy number 1 of the export permit in seeking validation of the Customs entry form B-13 covering the goods in the first shipment of the series and, thereafter, the Collector of Customs shall retain the permit and mark each shipment of the series on it until the total quantity of goods covered by the permit has been exported or the permit has expired.

(6) This section applies to goods that are carried by the exporter or by his own means of transit as well as to goods that are shipped by other means.

10. Where goods are exported in transit *via* the United States, the provisions of section 9 shall apply and, in addition, the exporter shall be required to present a true copy of the Customs entry form B-13, showing the stamp of the Canadian Collector of Customs at the port of validation, to the United States customs officials at the United States port from which the goods will leave that country before the goods will be permitted to leave that port.

Parcel Post

11. (1) In the case of goods requiring an export permit that are to be shipped by parcel post, the export permit shall be obtained in advance of mailing the goods.

(2) Three copies of the export permit shall be sent to the applicant or other person designated by him and the exporter shall take all three to the postmaster where the shipment will be posted.

(3) The postmaster shall, if he accepts the shipment for transmission by post, stamp each of the three copies of the export permit with his official stamp and shall retain one copy, return one copy to the exporter and send one copy to the nearest Canadian Collector of Customs.

(4) Nothing in this section shall affect the exporter's obligation to comply with any postal law or laws relating to customs or otherwise.

Tolerance

12. Unless otherwise authorized by or on behalf of the Minister of Trade and Commerce, goods exported under an export permit shall not exceed the quantity or value shown thereon by more than the slightest tolerance possible in the circumstances, such tolerance not, in any event, exceed five per cent of either such quantity or value.

Export and Import Permits Act—continued

Duration of Permits

13. (1) An export permit is not valid beyond the expiry date specified therein.

(2) Where the person to whom an export permit has been issued desires an extension of its expiry date, he shall return the permit to the Export and Import Permits Section for endorsement of extension and the expiry date may be extended to such date as the Minister of Trade and Commerce or a person authorized by him sees fit.

(3) Where an extension is sought under subsection (2) and any goods have been exported against the permit, the applicant for extension is not required to return the permit for endorsement of extension but is required to send a statement of the amount and value of such goods, verified by an appropriate customs officer as to customs clearance thereof.

Lost Permits

14. Where an export permit has been lost or destroyed, the person to whom it was issued may apply for a permit to replace it and shall, in so applying, submit a statutory declaration containing,

- (a) a statement that the permit has been lost or destroyed and an explanation of the loss or destruction; and
- (b) in the case of a lost permit, an undertaking to return, without delay, the original permit, if it is found, to the Export and Import Permits Section.

Exceptions

15. The Chief of the Export and Import Permits Section or other person authorized by the Minister of Trade and Commerce may, in any case in which he deems it to be desirable, exempt any person from any provision or provisions of these regulations or direct that anything required under a provision of these regulations be carried out in a different mode or manner and, in the latter case, such a direction shall be deemed to have the same force and effect as if incorporated in and enacted as part of these regulations.

2. Import Permit Regulations

P.C. 1954-789

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of May, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to section 12 of the Export and Import Permits Act, Chapter 27 of the Statutes of 1953-54, is pleased to order as follows:

1. The Import Permit Regulations established by Order in Council P.C. 4321 of 22nd August, 1951, are hereby revoked, effective June 1, 1954; and

Export and Import Permits Act—continued

2. The annexed "Regulations respecting Import Permits" are hereby made and established, effective June 1, 1954, in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING IMPORT PERMITS

Title

1. These regulations may be cited as the *Import Permit Regulations*.

Application for Permit

2. An application for an import permit shall be made only by a resident of Canada, that is to say, if the applicant is a natural person, he shall be a person who ordinarily resides in Canada and, if the applicant is a corporation, it shall be a corporation having its head office in Canada or operating a branch office in Canada.

3. Where an applicant will not be the importer but is applying for an import permit for, on behalf of or for the use of another person who will import the goods, the applicant shall give such other person's name and address in the application form.

4. (1) An application for an import permit shall be made on a form provided by the Department of Trade and Commerce and procurable from the Export and Import Permits Section of that Department or from any customs office.

(2) An applicant shall furnish all information required in the application form, and, without restricting the generality of the foregoing, shall, in particular, describe the goods concerned in sufficient detail as to disclose their true identity and, in so doing, avoid the use of trade names, technical names or general terms that do not adequately describe the goods.

(3) An applicant shall furnish such other information, in addition to that given in the application form, as may be required by or on behalf of the Chief of the Export and Import Permits Section.

(4) The completed application form, together with such other information as may be required, shall be sent to the Export and Import Permits Section, Department of Trade and Commerce, Ottawa, Canada.

Issue of Permits

5. (1) When an application for an import permit has been approved and signed by or on behalf of the Minister of Trade and Commerce the application form, with all information appearing therein, becomes a valid import permit and shall not, thereafter, be altered except by or on behalf of the Minister.

(2) One copy of the import permit shall be sent to the applicant and another copy shall be sent to the Collector of Customs at the Canadian port of entry shown on the form.

Export and Import Permits Act—continued*Duration of Permits*

6. (1) An import permit is not valid beyond the expiry date specified therein.

(2) Where the person to whom an import permit was issued desires an extension of its expiry date, he shall return the permit to the Export and Import Permits Section for endorsement of extension and the expiry date may be extended to such date as the Minister of Trade and Commerce or a person authorized by him sees fit.

(3) Where an extension is sought under subsection (2) and any goods have been imported against the permit, the applicant for extension is not required to return the permit for endorsement of extension but is required to send a statement of the amount and value of such goods verified by an appropriate customs officer as to customs clearance thereof.

Lost Permits

7. Where an import permit has been lost or destroyed, the person to whom it was issued may apply for a permit to replace it and shall, in so applying, submit a statutory declaration containing,

- (a) a statement that the permit has been lost or destroyed and an explanation of the loss or destruction; and
- (b) in the case of a lost permit, an undertaking to return, without delay, the original permit, if it is found, to the Export and Import Permits Section.

General Permits

8. (1) General permits may be issued by the Minister of Trade and Commerce or on his behalf by the Chief of the Export and Import Permits Section or other person authorized by the Minister, authorizing the importation of goods of the descriptions, from the places and subject to the terms and conditions described therein.

(2) General permits shall be published in the *Canada Gazette*.

Import Entry and Tolerance

9. The number of the individual or general import permit under which goods are imported shall be shown on the importer's appropriate customs entry form.

10. Unless otherwise authorized by or on behalf of the Minister of Trade and Commerce, goods imported under an import permit shall not exceed the quantity or value shown thereon by more than the slightest tolerance possible in the circumstances, such tolerance not, in any event, to exceed five per cent of either such quantity or value.

Exceptions

11. The Chief of the Export and Import Permits Section or other person authorized by the Minister of Trade and Commerce may, in any case in which he deems it to be desirable, exempt any person from any provision or provisions of these regulations or direct that anything required under a provision of these regulations be carried out in a different mode or manner and, in the latter case, such a direction shall be deemed to have the same force and effect as if incorporated in and enacted as part of these regulations.

Export and Import Permits Act—continued**3. Import Certificate Regulations**

P.C. 1954-790

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of May, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to section 12 of the Export and Import Permits Act, Chapter 27 of the Statutes of 1953-54, is pleased to make the annexed "Regulations respecting Import Certificates", and they are hereby made and established, effective June 1, 1954, accordingly.

REGULATIONS RESPECTING IMPORT CERTIFICATES

Title

1. These regulations may be cited as the *Import Certificate Regulations*.

Application of Regulations

2. (1) These regulations apply to any import certificate that is issued by or on behalf of the Minister of Trade and Commerce concerning goods for which such a certificate is required by the country of export before it will allow their export to Canada.

(2) Where an applicant has applied for an import certificate, it shall be deemed, for the purpose of these regulations and the Export and Import Permits Act, that the import certificate is required by the exporting country he has named in his application before it will allow the export of the goods to Canada.

Application for Certificates

3. (1) An application for an import certificate shall be made only by a resident of Canada, that is to say, if the applicant is a natural person, he shall be a person who ordinarily resides in Canada and, if the applicant is a corporation, it shall be a corporation having its head office in Canada or operating a branch office in Canada.

(2) No person shall apply for an import certificate unless he intends to import the goods into Canada.

4. (1) An application for an import certificate shall be made on a form provided by the Department of Trade and Commerce and procurable from the Export and Import Permits Section of that Department.

(2) An applicant shall furnish all information required in the application form and, without restricting the generality of the foregoing, shall, in particular,

Export and Import Permits Act—continued

- (a) describe the goods concerned in sufficient detail as to disclose their true identity and, in so doing, avoid the use of trade names, technical names or general terms that do not adequately describe the goods; and
 - (b) truthfully certify that he intends to import those goods into Canada and that he will not cause or assist in their disposal or diversion to any other person during transit.
- (3) An applicant shall furnish such other information, in addition to that given in the application form, as may be required by or on behalf of the Chief of the Export and Import Permits Section.
- (4) The completed application form, together with such other information as may be required, shall be sent to the Export and Import Permits Section, Department of Trade and Commerce, Ottawa, Canada.
- (5) Where in any application form for an import certificate reference is made to the Import Permit Regulations, such reference shall, after the coming into force of these regulations, be deemed to have been made to these regulations.

Issue of Certificates

5. (1) When an application for an import certificate has been signed by the Chief of the Export and Import Permits Section or otherwise signed by or on behalf of the Minister of Trade and Commerce, the application form, with all information and certifications by the applicant appearing therein, becomes an import certificate and shall not, thereafter, be altered except by or on behalf of the Minister.

(2) The import certificate and a copy thereof shall be sent to the applicant.

(3) In any proceedings under the Export and Import Permits Act, a document, purporting to be certified by the Chief of the Export and Import Permits Section to be a true copy of an import certificate, is *prima facie* evidence of the original document of which it purports to be a copy and that the same was issued at the time stated in the certificate and is signed, certified, attested or executed by the persons by whom and in the manner in which the same purports to be signed, certified, attested or executed as shown or appearing from such certified copy.

Prohibitions

6. Unless otherwise authorized by the Minister of Trade and Commerce or on his behalf by the Chief of the Export and Import Permits Section or other person authorized by the Minister, no person shall

- (a) with respect to goods for which an import certificate has been issued and prior to their being received by the person to whom the certificate was issued, cause or assist in the disposal or diversion of such goods to any person other than the person to whom the certificate was issued;

Export and Import Permits Act—continued

- (b) use an import certificate in any manner other than in accordance with the information and certifications appearing in the import certificate; or
- (c) being the person to whom an import certificate was issued, refuse or otherwise fail to make any report or provide any information required by or under these regulations.

Duration

7. An import certificate is not valid beyond the expiry date specified therein.

Reports

8. The following reports shall, where applicable, be made, in writing, to the Chief of the Export and Import Permits Section by a person to whom an import certificate has been issued, namely,

- (a) an immediate report, with full particulars, of any information he receives that the certificate or any part of the goods to which it relates has been or will be dealt with by the exporter or any other person otherwise than in accordance with the terms of the certificate or the requirements of these regulations;
- (b) a report of the arrival of the goods in Canada, together with a true copy of the customs entry document covering them and bearing the stamp of the Collector of Customs at the Canadian port of entry;
- (c) a report of any proposal to export the goods from Canada; and
- (d) if the goods have not arrived in Canada before the expiry date of the certificate, a report of that fact together with such information as he may have as to the reasons for the delay and the whereabouts of the goods.

Delivery Verification Certificates

9. (1) Delivery verification certificates of the delivery in Canada of goods imported into Canada may be granted by or on behalf of the Minister of Trade and Commerce to any person who requests such certificate in order to comply with or assist his exporter in complying with the requirements of the country of export of the goods.

(2) Delivery verification certificates shall not be issued unless a report of the arrival of the goods in Canada, together with a true copy of the customs entry documents covering them and bearing the stamp of the Collector of Customs at the Canadian port of entry, has been made, in writing, to the Chief of the Export and Import Permits Section.

Export and Import Permits Act—continued

4. Import Control List

P.C. 1954-793

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of May, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to section 5 of the Export and Import Permits Act, Chapter 27 of the Statutes of 1953-54, is pleased to establish the Import Control List set forth hereunder, listing goods for which import permits are required, and the said Import Control List is hereby established, effective June 1, 1954, accordingly.

IMPORT CONTROL LIST

Butter

5. Export Control List

P.C. 1954-1226

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of August, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Trade and Commerce and pursuant to section 3 of the Export and Import Permits Act, is pleased to order as follows:

1. The Export Control List, listing goods for which export permits are required, established by Order in Council P.C. 1954-791 of 27th May, 1954, is hereby revoked, effective September 1, 1954; and

2. The annexed Export Control List is hereby established, effective September 1, 1954, in substitution for the List hereby revoked.

EXPORT CONTROL LIST

Export permits are required for the export of all items listed below to any destination, except in the case of an export to the United States as the country of ultimate destination. Where specified below for any particular item, an export permit is required for the export of that item to any destination including the United States.

GROUP 1—RUBBER PRODUCTS, as follows:

Bus and truck tires for off-the-road and industrial use (except farm tractor and implement), of combat, and run-flat construction

Water lubricated bearings with bearing surface made with Buna N compounds

Export and Import Permits Act—continued**GROUP 2—ANIMALS AND ANIMAL PRODUCTS, as follows:**

Butter (Export permit is required to all destinations, including the United States)

Pancreas glands of cattle, calves and swine (Export permit is required to all destinations, including the United States)

GROUP 3—WOOD AND WOOD PRODUCTS, as follows:

Logs of all species (of wood) (Export permit is required to all destinations, including the United States)

Pulpwood of all species (of wood) (Export permit is required to all destinations, including the United States)

Paper or synthetic film for dielectric use (condenser tissue), as follows:

(a) Synthetic film 0.0015" (0.038 mm.) or less in thickness

(b) Coated paper 0.0015" (0.038 mm.) or less in thickness

(c) Uncoated paper 0.0004" (0.010 mm.) or less in thickness

GROUP 4—GENERAL PURPOSE INDUSTRIAL MACHINERY AND ELECTRONIC DEVICES**METALWORKING MACHINERY***Boring Machines, as follows:*

Automatic and non-automatic vertical boring and turning mills with table diameter exceeding 72 inches

Jig boring machines and high precision production boring machines

Horizontal combination boring, drilling and milling machines and spindle bed automatics

Drilling and Broaching Machines, as follows:

Deep hole drilling machines and hollow drills for such machines

Ultrasonic metal cutting machines

External surface broaching machines and external surface broaching tools

Grinding Machines, as follows:

Internal grinding machines incorporating high frequency spindles

Surface grinding machines, as follows:

multi spindle rotary; multi spindle disc; horizontal spindle

Contour profile grinders

Jig grinders

Lap radial grinders

Roll grinding machines

Thread grinding machines

Grinding machines for broaching tools

Honing machines with multiple work stations

Diamond grinding wheels, sticks, hones, and laps and diamonds suitable for industrial uses including splints and borts, dust and powder; and rough cuttable diamonds for gem stones or industrial diamonds, diamond wire drawing dies, dressers, diamond boring and turning tools, diamond core drill bits

Export and Import Permits Act—continued

Lathes, as follows:

- Engine and centre lathes over 18 inches centre height and over 18 feet between centres
- Horizontal turret lathes with a bar capacity of 4 inches and over or swing over bed of 24 inches or more
- Automatic lathes, multi spindle bar or chucking
- Mobile combination boring and turning, drilling and milling lathes
- Spinning lathes except those with spindle drive motor of 10 h.p. or less
- Right angle lathes
- Combination tube boring and turning lathes

Milling and Planing and Duplicating Machines, as follows:

- Thread milling machines for 6 inches or over
- Spar millers
- Horizontal combination boring, drilling and milling machines
- Planing machines and planer milling machines for work exceeding 48 inches wide and 15 feet long
- Die sinking machines
- Armour plate planers
- Gear making machinery
- Machines and equipment specially designed for making or measuring gas turbine blades
- Profiling machines for marine and aircraft propeller blades
- Profiling and duplicating milling machines
- Profiling machines not elsewhere specified except copying centre lathes
- Profiling attachments for centre lathes, milling machines, boring machines, except taper turning attachments

Other Metalworking Machinery and Accessories, as follows:

- Military type jigs, fixtures and plate metalworking accessories
- Forging hammers with falling weight exceeding 3 tons and steam-air or mechanical hammers exceeding 2.5 tons
- Special machinery for working or forming aircraft sheet, plate or extrusion
- All machines and equipment specially designed for manufacturing armaments
- Presses—mechanical or hydraulic with rated pressure over 1,000 tons
- Machinery for drawing and/or tempering wire .015 inches in diameter or less or tubing .026 inches in diameter or less, and wire and diamond wire drawing dies
- Forging machines capable of operating on bar stock of a diameter exceeding 3.5 inches or equivalent cross section
- Forging roll machinery
- Metal rolling mills and controls therefor

CHEMICAL AND PETROLEUM EQUIPMENT

Chemical Equipment, as follows:

- Equipment designed for the production of nitrogen tetroxide and its conversion to nitric acid of 98 per cent or higher concentration
- Dielectric driers for bacteriological materials
- Centrifugal counter-current solvent extractors

Export and Import Permits Act—continued

Mobile gas liquefying equipment for liquid oxygen or liquid hydrogen
Liquid fluorine-producing equipment
Equipment for the separation of helium from methane
Equipment for the production of hydrogen and deuterium oxide
Equipment for the production of military explosives
Plant for the production of titanium metal
Compressors of 300 h.p. or more capable of delivering air, gases or vapours at pressures exceeding 450 pounds p.s.i.
Pumps designed to move molten metals by electro-magnetic forces
Vacuum diffusion pumps
Valves with bellows seal made with aluminum or nickel
Furnaces, vacuum
Centrifuges with a peripheral speed of 1,000 feet per second or more
Heat exchangers and components therefor designed to operate at pressures of 300 pounds p.s.i. and above
Electrolytic cells for the production of fluorine
Pumps, pipe valves and cocks, not elsewhere specified, made of or lined with any corrosion resistant material

(NOTE.—The following items are excluded from the above list:

Check, non-return and float valves
Pressure relief valves for working pressure of less than 450 pounds p.s.i.
Valves and cocks for milking machines and for household refrigerators and home freezers.)
Pumps designed to produce pressures of 450 pounds p.s.i. or over
Vacuum pumps designed to produce a vacuum of 0.1 mm. of mercury pressure absolute or less and parts
Pipe and tubing made or lined with polytetrafluoroethylene or polytrifluorochloroethylene

Petroleum Equipment, as follows:

Oil well drilling and exploration equipment
Casinghead and Christmas tree assemblies
Cementing equipment
Coring equipment
Gun perforating equipment
Photo-clinometers
Power pumping units (mud and sludge) and bottom hole pumps
Blow out preventers
Drill bits (rock bits)
Draw works and rotary tables
Well logging instruments and equipment
Drill collars, tool joints, Kelly's and Kelly substitutes
Crown blocks, traveling blocks and oil derricks
Rotary drilling hose, high pressure (with test pressure 3,000 p.s.i. and over)

Export and Import Permits Act—continued

Welded or seamless steel line pipe over 24 inches outside diameter, casing and tubing, conforming with A.P.I. specifications for oil country tubular products
 Welded or seamless steel drill pipe
 Equipment for production of lubricants
 Solvent processing units
 Dewaxing units
 Filtration units
 Fractionating, rectifying, and dephlegmating columns and parts therefor
 Hydrogenation equipment designed to operate at pressures of 360 pounds p.s.i.
 Mineral oil and natural gas treatment equipment
 Units for treating, separating and stabilizing natural gas extraction
 Fuel production equipment for production of components and aviation fuels
 Carbon black furnaces (controlled atmosphere types)

POWER GENERATING EQUIPMENT AND ELECTRICAL APPARATUS, as follows:

Diesel engines of 1,500 h.p. or over with rotary speeds of 600 r.p.m. or over (except those incorporated in generating sets)
 Diesel engines of 50 h.p. and over whose non-magnetic content exceeds 50 per cent of their total weight
 Turbines of 2,000 h.p. and over (except those incorporated in generating sets)
 Electric motors over 1,000 h.p. reversing type, liquid cooled and totally enclosed
 Electric motors not elsewhere specified of 5,000 h.p. or over including automatic and semi-automatic equipment for control of these motors
 Electric generators, generating sets and synchronous condensers of 10,000 KW and over; and specially designed parts
 Searchlight control units

GENERAL INDUSTRIAL EQUIPMENT

Turbo-compressors and blowers
 Soil compactors with pneumatic tyred casings
 Airborne excavators
 Airborne power shovels
 Airborne cranes
 Radio valve manufacturing machinery
 Machines for applying insulating separators of air-spaced coaxial electric cables

ELECTRONIC EQUIPMENT AND PRECISION INSTRUMENTS

(NOTE—Broadcast and television receivers of the domestic types are exempt from these controls.)
 Communication equipment designed for aircraft or for infra-red radiation or for ultrasonic waves
 Ionosphere recording apparatus

Export and Import Permits Act—continued

Jamming apparatus
Location apparatus for determining relative direction, position or motion of objects and under-water apparatus for detecting or locating objects under water
Radar equipment
Pulse modulators
Radio relay equipment and components
Radio direction finding equipment
Radio receivers (panoramic)
Radio transmitters and components
Telecontrol equipment
Telephone and telegraph equipment for carrier frequency telephones; telegraph equipment, electro-mechanical or electronic types
V.H.F. radio relay equipment
Sub-miniature electronic components
Capacitors
Transformers for inter-stage and modulation and choke laminations and core assemblies
Amplifiers
Antenna pattern recorders
Coaxial type cables with low attenuation and types with teflon dielectric
Frequency meters designed for frequencies of 600 megacycles per second or over
Radio field strength meters
Electrical process control instruments and components
Transistors
Image converters
Micro Flash equipment
Thyratron and ignitron tubes
Electronic computers (except business type calculating machines)
Radio frequency signal generators having frequencies exceeding 300 megacycles per second
Radio spectrum analyzers
Electromagnetic waveguides
Cathode ray tubes
Crystal diodes and triodes regardless of frequencies
Rectifier tubes
Photoelectric cells
Photomultiplier tubes
Television camera tubes
Tubes, electronic, not elsewhere specified
Meters, absorption infra-red
Impulse registers, electric or electronic
Meters, pH and pH control apparatus for industrial processes
Balances, electronic

Export and Import Permits Act—continued

Densitometers using photo-multiplier tubes
 Electrometers (except student type)
 Seismometers
 Gravimeters
 Magnetometers
 Seismic exploration equipment.
 Geophones
 Magnetic recorders (except for voice and music)
 Gyro compasses
 Galvanometers, electromagnetically damped
 Equipment for surface shooting, employing shaped charges
 Measuring apparatus for impedance
 Leak detecting instruments
 Meteorological sounding balloons
 Microscopes, electronic and metallurgical
 Optical curve generators
 Oscilloscopes, recording and cathode ray
 Pyrometers
 Quartz crystals and plates
 Resistors
 Spectrographs, spectrometers and monochrometers
 Time measuring equipment (microseconds)
 Voltmeters, vacuum tube types
 X-ray and electron diffraction equipment and tubes
 High speed cameras
 Counting equipment
 Fluorimeters
 Leak detecting instruments of the mass spectrometer type
 Balances of a sensitivity of 0.1 microgram or better

GROUP 5—TRANSPORTATION EQUIPMENT, as follows:

Tractors, 4-wheel drive, 100 brake h.p. or over
 Automotive vehicles or chassis having both front and rear drive not elsewhere specified and parts therefor
 Automotive vehicles waterproofed for operations submerged in water
 Automotive vehicles with radio suppression characteristics
 Turbine locomotives with individual axle loads greater than 12 metric tons, and parts therefor
 Well cars with load capacity of 80 tons or over
 Centralized traffic control systems for railway signalling
 Floating docks
 Tankers, tank barges and whaling factories
 Warships or hulls, or parts of hulls, for such ships
 Minesweeping equipment
 Batteries (submarine)
 Gyro compasses and gyroscopic equipment

Export and Import Permits Act—continued

Marine steam boilers having a capacity to generate 11 pounds of steam per square foot at pressures of 450 pounds p.s.i. and feed water heaters for such boilers

Dredges and specialized dredge equipment and components, such as grabs, buckets, cutters, ladders, centrifugal pumps, and floating and shore pipelines

Ice-breakers (i.e., ships constructed specifically for the purpose of breaking ice) under 2,000 total h.p.

Other vessels, as follows (and hulls, or parts of hulls therefor):

Merchant ships having (1) a gross tonnage over 7,000 gross registered tons, independent of speed, or (2) an operating speed loaded of over 12 knots

Fishing vessels, as follows:

(1) of 100 feet (30m.) in length or over; or

(2) having apparatus for generating electrical power of 20 KW or over

Merchant ships, not elsewhere specified

Other vessels, not elsewhere specified, over 40 feet (12m.) in length or over 50 shaft h.p. (or equivalent)

Civil aircraft and equipment and parts therefor

GROUP 6—FERROUS AND NON-FERROUS METALS, NON-METALLIC MINERALS, AND OTHER PRODUCTS

Anti-friction bearings (ball, roller, needle) and parts therefor

Alloys containing cobalt, columbium, tantalum, molybdenum, and nickel-bearing steels

Carbonyl iron powder

Welded or seamless steel drill pipe

Welded or seamless steel line pipe over 24 inches diameter. (see Chemical & Petroleum Equipment)

Scrap iron and steel. (Export permit is required to all destinations, including the United States)

Aluminum metal and alloys (virgin and secondary) as ingots, pigs, blooms, slabs, billets, blocks, grains, granules, lumps, notched bars, pellets, wirebars and other primary forms; scrap; aluminum powder and sintered aluminum products; and semi-fabrications of hard alloys for aircraft construction as produced by rolling, drawing, extruding, forging, pressing, graining and casting

Artificial graphite blocks and rods

Beryllium metal (excluding beryllium windows for medical X-ray machines), beryl (excluding gem grade) and ores, alloys, oxides and compounds

Cobalt ores, residues, concentrates, arsenical crystals, cobalt bearing scrap, metal, and compounds (but excluding paint driers, artificial coloring matters, and paint pigments)

Columbium (niobium) ores, concentrates, scrap, metal, alloys and ferro-columbium, and ferro-columbium-tantalum.

Export and Import Permits Act—continued

Copper and copper base alloys as ores, concentrates and matte; scrap; anodes, cathodes, billets, blocks, blooms, cakes, ingots, bars, pellets, pigs, shot, sticks, slabs, wirebars, and other primary shapes; plates, sheets, strip, rods, pipe and tubing; cable, electric conducting, suitable for sweeping magnetic mines and for harbour defence; and coaxial type cables (*see* Electronic and Precision Instruments)

Diamonds and diamond products (*see* Metal Working Machinery)

Germanium and germanium compounds

Raw optical glass as blocks, plates, pressings and rough moulded lenses and prisms

Magnesium base alloys, (virgin or secondary) containing zirconium, thorium, or rare earth metals, as ingots, billets, blocks, bars, slabs, sticks and other primary forms; and semi-fabricated forms produced by rolling, drawing, extruding, forging, pressing, graining and casting

Magnetic materials of all types in the form of powder, strip, sheet, castings and blocks

Mercury metal

Molybdenum ores, concentrates, scrap, metal (including wire, tubing and platinum clad tubing), alloys and ferro-molybdenum, cemented or sintered carbides, and compounds containing molybdenum

Munitions components and materials as brass and bronze fabrications for munitions anvils, bullet cups, cartridge belt link, primer caps, and shell rotary bands; brass cartridge strip; copper shell rotating bands and other copper munitions components; gilding metal clad steel; and gun forgings and castings, rough and alloy rough

Nickel and nickel base alloys (virgin and secondary) as ores, concentrates, matte, powder, oxide, and residues; pigs, ingots, blooms, billets, slabs, grains, shot, lumps, pellets, notched bars, and other primary forms; anodes, cathodes, electrodes and welding rods; semi-fabricated forms produced by rolling, drawing, extruding, forging, pressing and casting; woven wire mesh; and scrap. (Export permit is required to all destinations, including the United States)

Quartz crystals and plates, radio grade

Refractory materials composed of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide; and crucibles, moulds and pouring rods composed of any of the foregoing

Wire rope of phosphor bronze or stainless steel suitable for aircraft

Tantalum ores, concentrates, metal, ferro-tantalum, compounds, and seamless pipe and tubing

Titanium metal and titanium metal alloys (including ferro-titanium) as sponge, ingot, bars, billets, sticks, slabs and other primary forms; semi-fabricated forms; scrap; and titanium carbide

Tungsten wire and filament, coated or uncoated

Valves (*see* Chemical and Petroleum Equipment)

Zirconium metal, alloys, and compounds, and manufactures wholly thereof.

Export and Import Permits Act—continued**GROUP 7—CHEMICALS AND THEIR PRODUCTS, as follows:**

Barium nitrate
Bromine trifluoride
Chlorine trifluoride
Detonators: mercury fulminate; lead azide; lead styphnate; sodium azide; lead thiocyanate; and detonating or priming compositions containing one or more of these chemicals
Dinitrotoluenes
Fluorine
Fluorinated hydrocarbons, as follows:
 Monochlorotrifluoromethane; Dichloromonofluoromethane,
 Monochlorodifluoromethane; Trichlorotrifluoroethane;
 Dichlorotetrafluoroethane; Trichlorodifluoroethane
Furfuryl alcohol, tetrahydrofurfuryl alcohol
Glycols, glycol compounds
Guanidine nitrate
Helium gas
Hexamethylenetetramine
High octane blending agents for aircraft fuels
Hydrazine; hydrazine hydrate; hydrazine salts
Hydraulic fluids or oils; synthetic or petroleum based
Hydrogen peroxide over 50%
Ignition quality (octane number) improvers for diesel fuels
Methyl methacrylate clear sheets or sheeting, whether single or laminated, suitable for aircraft use
Nitroguanidine
Pentaerythritol, pentaerythritol tetranitrates
Petroleum; gasoline, kerosene, reference fuels, referee fuels, calibrating fuels, lubricating oils and greases petroleum based
Picric acid (trinitrophenol)
Rubber synthetic, butyl
Silicon, oils and rubber
Stabilizers for explosives
Tetraethyl lead, fluid, and mixtures containing tetraethyl lead
Tetrafluorochloroethylene, polymerized or not; and manufactures wholly thereof
Trifluorochloroethylene, polymerized or not; and manufactures wholly thereof
Toluene

GROUP 8—ARMS, MUNITIONS, MILITARY, NAVAL OR AIR STORES, and ATOMIC ENERGY MATERIALS and EQUIPMENT**ARMS, MUNITIONS, MILITARY, NAVAL OR AIR STORES, as follows:**

Arms, ammunition and munitions of war of all kinds (except those solely for sporting purposes, firing ammunition not usable with firearms designed or intended for war); components and parts therefor and apparatus, devices and equipment for the employment thereof

Export and Import Permits Act—continued

- Military vehicles of all kinds, tanks, armoured cars, armoured trains, and equipment and parts therefor
- Aircraft of all kinds and equipment and parts therefor (including parachutes, rafts, landing mats), aerodrome and airport equipment
- Material intended for the equipment of military, naval or aircraft units
- Nylon parachute cloth
- Military apparel of all types, including insignia and footwear (new and used)
- Military, naval or aircraft fire control equipment, optical instruments and apparatus, aerial cameras, search lights and similar devices, parts therefor
- Radar, radio and telecommunication apparatus and layouts, (except domestic broadcast and television types), field communication equipment, including jamming, parts therefor
- Military computing and cryptographic machines.
- Chemical, biological or incendiary warfare materials; equipment for production or detection thereof
- Explosives and propellants of all kinds
- Plans, specifications and other documents, machines, equipment and tools for the production or use in manufacturing any of the articles in this Group

ATOMIC ENERGY MATERIALS and EQUIPMENT, as follows:

- (Export permit is required for all destinations, including the United States)
- Fissionable materials, including but not limited to (a) plutonium, (b) uranium enriched in the isotope 233 or in the isotope 235; and (c) any material artificially enriched by any of the foregoing
- Uranium metal; thorium metal
- Metals, alloys, and compounds containing uranium or thorium but excluding medicinals
- Minerals, raw and treated, (including residues and tailings) which contain uranium or thorium or any combination thereof, *including* but not limited to:
 - (a) Monazite sand and other ores containing thorium;
 - (b) Carnotite, pitchblende and other ores containing uranium
- Deuterium and compounds, mixtures and solutions containing deuterium, *including* heavy water and heavy paraffin, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000 by number
- Equipment specifically designed for the separation of isotopes of uranium
- Cyclotrons
- Radiation detection instruments and components, *including* amplifiers; coincidence units; electroscopes; Geiger-Muller counters; ionization chambers; neutron counters, photomultiplier tubes; scaling units

Export and Import Permits Act—continued

Scintillation counters

Ion separators, electromagnetic, *including* mass spectrographs and mass spectrometers for any purpose

Acceleration tubes and focusing tubes of the kinds used in mass spectrometers and mass spectrographs

Positive ion sources suitable for use in cyclotrons; mass spectrometers and the like

GROUP 9—GOODS ORIGINATING OUTSIDE CANADA, as follows:

All goods originating outside Canada, whether in bond or cleared at Canadian Customs, except the following:

- (a) any such goods that have been further processed or manufactured in Canada, by combining them with other goods or otherwise, so as to result in a substantial change in value, form and use of the goods or in the production of new goods, unless the goods to be exported are listed in another Group in this Export Control List; or
- (b) any such goods that are in transit in bond on a through journey on a billing originating outside Canada which billing
 - (i) clearly indicates that the ultimate destination of the goods is a country other than Canada or the country of origin, and
 - (ii) in the case of goods shipped from the United States, is accompanied by a copy of the United States export declaration which does not contain terms conflicting with those of the billing and is presented to the Collector of Customs at Canadian sea-port.

GROUP 10—OTHER GOODS AND MATERIALS

All goods to be exported without declaring the ultimate destination of the goods.

6. Area Control List

P.C. 1954-2072

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the Export and Import Permits Act, is pleased to order as follows:

1. The Area Control List established by Order in Council P.C. 1954-792 of 27th May, 1954, as amended, is hereby revoked; and

2. The annexed Area Control List, listing the countries to which the export of any goods require export permits, is hereby made and established in substitution for the List hereby revoked.

Export and Import Permits Act—continued

AREA CONTROL LIST

Albania
 Bulgaria
 China, including Manchuria but excluding Taiwan (Formosa)
 Czechoslovakia
 Esthonia
 Germany (Soviet zone only)
 Hungary
 Indo-China
 Latvia
 Lithuania
 Mongolia
 North Korea
 Poland
 Rumania
 Sinkiang
 Tibet
 Union of Soviet Socialist Republics
 Hong Kong
 Macao

7. Transshipment Regulations

P.C. 1955-17

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of January, 1955.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the Export and Import Permits Act, is pleased to make the annexed "Regulations respecting Transshipment", and they are hereby made and established, effective January 16, 1955, accordingly.

REGULATIONS RESPECTING TRANSHIPMENT

1. These regulations may be cited as the *Transshipment Regulations*.

PART I

Export from Canada

2. All goods originating outside Canada that are not in transit in bond on a through journey on a billing originating outside Canada or that do not otherwise come within the specific exceptions set forth in Group 9 of the Export Control List are subject to export control by virtue of Group 9 of that List and to the provisions of the Export and Import Permits Act and its regulations respecting export and import permits.

Export and Import Permits Act—continued

PART II

Transit Movement through Canada

3. In this Part,

- (a) “goods” means any goods that are described under any Group in an Export Control List and that originate outside Canada and that have as their ultimate destination a country included in an Area Control List and that, when in transit in bond on a through journey on a billing originating outside Canada, are, at any port or other place in Canada, unloaded or in any way removed from the means of transportation by which they came into Canada;
- (b) “means of transportation” means that particular ship, vessel, railway car, aircraft, truck, vehicle or other mode of transportation on which the goods are carried; and
- (c) “transhipment” means, after goods have been unloaded or in any way removed from the means of transportation by which they came into Canada, their loading, placing on board or within or upon the same or any other means of transportation.

4. No person shall tranship or cause or assist in the transhipment of or accept for transhipment any goods, unless a transit authorization certificate covering such goods and issued by the exporting country or by the country of residence of the exporter has been presented to and endorsed by a Canadian Collector of Customs or, in the absence of such certificate, approval for the transhipment has been given by the Minister of Trade and Commerce or by a person authorized by him to do so.

PART III

Authorization for Transit Movement Outside Canada

5. (1) Where goods included in an Export Control List are to be exported from Canada to a country included in an Area Control List and are to move in transit through some other country, a transit authorization certificate respecting such movement may be issued by or on behalf of the Minister of Trade and Commerce.

(2) An application for a transit authorization certificate shall be made only by a person who may, under the Export and Import Permits Act and its regulations, apply for an export permit for such goods.

(3) An application for a transit authorization certificate shall be made on a form provided by the Department of Trade and Commerce and procurable from the Export and Import Permits Section of that Department.

(4) An applicant shall send the application form to the Export and Import Permits Section, Department of Trade and Commerce, Ottawa, Canada, and shall furnish such other information, in addition to that given in the application form, as may be required by or on behalf of the Chief of the Export and Import Permits Section.

6. When an application for a transit authorization certificate has been approved and signed by or on behalf of the Minister of Trade and Commerce, the application form, with all information appearing therein, becomes a transit authorization certificate and shall not thereafter, be altered except by or on behalf of the Minister.

7. No person shall in any way use a transit authorization certificate other than in connection with the export and intranitary movement of the goods for which the certificate was issued or otherwise than in accordance with the terms and information appearing in such certificate.

Export and Import Permits Act—continued

8. General Export Permit No. Ex.1

1. This General Export Permit is issued pursuant to section 6 of the Export Permit Regulations and is to come into force on the 1st day of June, 1954.

2. Any person may, under the authority of this General Export Permit, export from Canada to any country, except Albania, Bulgaria, China (including Manchuria but excluding Taiwan (Formosa)), Czechoslovakia, Esthonia, Germany (Soviet zone only), Hungary, Latvia, Lithuania, Mongolia, North Korea, Poland, Roumania, Sinkiang, Tibet, Union of Soviet Socialist Republics, Hong Kong and Macao, any goods that have a value of fifty dollars or less, but this does not apply to goods in a shipment that is broken up into packages the aggregate value of which exceeds fifty dollars.

3. Any person may, under the authority of this General Export Permit export from Canada to any country,

- (a) casual gifts, including those sent by parcel post, that have a value not exceeding twenty-five dollars and that are sent to a consignee for his own personal use, but not exceeding one such casual gift per month to the same consignee;
- (b) goods consigned to Embassies, Legations, High Commissioners, Trade Commissioners or Consular Offices of Canada or the United Kingdom; and
- (c) personal or settler's effects taken or shipped by an individual on leaving Canada and solely for his own use or that of his immediate family and not for resale and being
 - (i) household articles,
 - (ii) personal effects,
 - (iii) articles of business equipment, instruments, tools of trade or machinery, if such articles have been used by him in his occupation or employment, are his personal property and will continue to be used by him in his occupation or employment, or
 - (iv) a passenger automobile that is the personal property of the person who is leaving Canada.

4. Notwithstanding anything herein contained, this General Export Permit does not authorize the export of radioactive substances and does not authorize, unless they come within subparagraph (iii) of paragraph (c) of section 3, the export of precision instruments.

5. Where completion and validation of a Customs entry form B-13 is required with respect to any goods that are exported under the authority of this General Export Permit, the B-13 shall be endorsed "exported under the authority of General Export Permit No. Ex.1".

6. General Permit No. Ex.1, dated November 26, 1953, and General Permit No. Ex.2, dated December 1, 1953, are revoked on the 1st day of June, 1954.

J. G. MacKINNON,
*Chief, Export and Import Permits Section,
for Minister of Trade and Commerce.*

Dated at Ottawa, May 25, 1954.

Export and Import Permits Act—continued**9. General Export Permit No. Ex.2**

1. This General Export Permit is issued pursuant to section 6 of the Export Permit Regulations and is to come into force on the 1st day of June, 1954.

2. Any person may, under the authority of this General Export Permit, export from Canada to any country, except Albania, Bulgaria, China (including Manchuria but excluding Taiwan (Formosa)), Czechoslovakia, Esthonia, Germany (Soviet zone only), Hungary, Latvia, Lithuania, Mongolia, North Korea, Poland, Roumania, Sinkiang, Tibet, Union of Soviet Socialist Republics and Macao, any goods, irrespective of country of origin, of the following descriptions, namely,

Abrasives—Grindstones, natural, and plupstones natural and manufactured

Advertising matter except technical data

Animal feeds, other than those controlled by the Canadian Wheat Board

Aromatic compounds and chemicals for perfumery use

Asphalt tiles and manufactures of asphalt and bitumen

Baby carriages and similar equipages

Baking powder, soda and cream of tartar

Beverages

Bicycles, tricycles, parts and accessories*

Books, magazines and periodicals

Bottle and container closures

Brooms and brushes

Business machines and parts therefor* (including typewriters, adding machines, cash registers, book-keeping machines, calculating machines, duplicating equipment, check writers and similar devices)

Buttons and fasteners of all kinds, including zippers and parts therefor

Candles, except pyrotechnic

Cascara bark

Casein (inedible)

Cement and concrete manufactures

Cementing preparations, except liquid rubber compounds

China, crockery and pottery

Clays, except fire clay: structural clay products, except refractories

Clocks, watches and time pieces, movements and parts therefor

Coal

Coal tar dyes and stains

Cork and manufactures of cork

Crude herbs, leaves and roots, except cinchona bark

Cutlery and flatware

Dolls and toys

Dry goods, notions, novelties, millinery accessories, shells, beads and bead articles

Ethyl alcohol

Farm wagons, drays and trailers, and parts therefor*

Flatware and hollow ware

Foodstuffs, other than those included in the Export Control List or controlled by the Canadian Wheat Board

Fur, fur skins and manufactures

* Parts excludes ball and roller bearings.

Export and Import Permits Act—continued

Ginseng
 Glass and manufactures thereof, excluding glass tubing and optical instrument glass and glass blanks, except synthetic crystals
 Glue
 Gypsum and manufactures thereof
 Hair and manufactures thereof
 Hard rubber goods, except electrical
 Hardware, builders, (including locks, hinges, butts, sash, door and window frames and sections); furniture and cabinet; venetian blinds
 Hay
 Hides and skins
 Household and industrial disinfectants
 Household and industrial insecticides, fungicides, exterminators and repellants, but not including moth balls, naphthalene balls and flakes or aerosol or bug bombs
 Household and kitchen equipment and parts therefor*:
 Carpet sweepers, electric razors and hair curlers; floor polishers, food choppers and mixers, heaters, irons—electric and sad, kitchen utensils, pots, pans, appliances and tools hand operated, refrigerators and ice boxes, sewing machines, space heaters and oil burners, stoves and ranges, toasters, waffle irons, washing machines and tubs, vacuum cleaners
 Jewellery and other personal ornaments, jewellery findings, all materials except gold, platinum, platinum allied metals and jewel bearings
 Lamps and lanterns and parts therefor, excluding incandescent mantles
 Leather and leather manufactures of all kinds, including findings, except men's boots and parts therefor and industrial belting
 Linoleum, oilcloth and felt base coverings
 Livestock
 Machinery and equipment and parts therefor*:
 Baking, barber and beauty shop equipment, bottling, bottle washing and labelling, cigarette and cigar making and tobacco processing, coin operated machines, commercial laundry and dry cleaning, cooking and food service, meat and other food cutting and preparing, paper converting, soda fountain and bar, sugar mill, elevators and moving stairways, overhead hoists (pendant), clay spades and water sprinkler tanks
 Matches
 Mattresses, cotton kapok, moss and hair
 Menthol
 Metal furniture, fixtures and parts
 Metal signs except electric
 Motion picture films
 Musical instruments
 Newsprint
 Office machines, equipment, supplies and tools, including pencils, pens (including fountain), pen points, leads and crayons, ink, staplers, etc.
 Ophthalmic spectacles and lenses, sun glasses, goggles and spectacles, and specially fabricated parts
 Paintings and objets d'art

*Parts exclude ball and roller bearings.

Export and Import Permits Act—continued

Paper and paper products, except paper or synthetic film for dielectric use
Pearl essence
Phonograph records and blanks
Pigments, paints and varnishes, except luminous, anti-fouling or those containing polytetrafluoroethylene, polytrifluorochloroethylene or silicones
Plastic manufactures, including fabrics, household, kitchen and personal articles
Plumbing fixtures and fittings
Polishes
Precious stones and semi-precious stones, natural and synthetic, excluding diamonds, rubies and sapphires, and bearings thereof
Prefabricated houses of wood
Religious items and objects
Rockwool, glasswool, other semi-rigid and fill mineral insulating materials
Roots, herbs and leaves
Rubber manufactures, natural and synthetic, namely: erasers, shower curtains, cushions, tiling and flooring, weatherstrip
Safes and vaults and parts therefor*
Salt
Scales and weighing devices and balances, except scientific and laboratory types
Smokers' articles including lighters, pipes, trays, cigar and cigarette cases and component parts
Soap and detergents, cleaning and washing compounds, excluding rifle cleaning compounds
Sodium bicarbonate
Sponges
Sporting and athletic goods
Stone, cement, concrete, lime, gravel, marble and manufactures thereof
Sugar and spices, honey and confectionery
Teeth, dentures and bridges
Textiles:
 Cotton manufactures and yard goods
 Linen and linen manufactures
 Nylon manufactures and yard goods
 Rayon manufactures and yard goods
 Silk, silk manufactures and yard goods
 Wool, wool manufactures and yard goods
 (all the above, including rags and wastes, but excluding parachute, airplane, balloon cloths and ropes and cord tire fabric)
 Wearing apparel and clothing, new and used, except military
Tobacco and manufactures thereof, cigarette paper
Toilet articles, preparations and cosmetics, including mouthwashes, gargles and personal antiseptics
Umbrellas and parasols and component parts
Vegetable fibres
Vegetable oils and fats and waxes

*Parts exclude ball and roller bearings.

Export and Import Permits Act—concluded

Vegetable seeds, except oil seeds

Venetian blinds

Wood and wood manufactures of all kinds except logs and pulpwood

3. Where completion and validation of a Customs entry form B-13 is required with respect to any goods that are exported under the authority of this General Export Permit, the B-13 shall be endorsed "Exported under the authority of General Export Permit No. Ex. 2."

J. G. MacKINNON,
*Chief, Export and Import Permits Section,
for Minister of Trade and Commerce.*

Dated at Ottawa, May 25, 1954.

10. General Export Permit No. Ex.3

1. This General Export Permit is issued pursuant to section 6 of the Export Permit Regulations and is to come into force on the 1st day of June, 1954.

2. Subject to section 3, any person may, under the authority of this General Export Permit, ship from Canada goods that are normally taken on board as ship or aircraft stores to be used as such by the ship or aircraft taking them on board.

3. This General Export Permit does not apply to bunkering for voyages destined to Mainland China or North Korea or the territorial waters of those countries.

4. Where completion and validation of a Customs entry form B-13 is required with respect to any goods that are exported under the authority of this General Export Permit, the B-13 shall be endorsed "exported under the authority of General Export Permit No. Ex. 3."

J. G. MacKINNON,
*Chief, Export and Import Permits Section,
for Minister of Trade and Commerce.*

Dated at Ottawa, May 25, 1954.

11. General Import Permit No. Im. 1

1. This General Import Permit is issued pursuant to section 8 of the Import Permit Regulations and is to come into force on the 1st day of June, 1954.

2. Any person may, under the authority of this General Import Permit, import into Canada butter for the personal use of the importer and his household and not exceeding five dollars in value for each importation.

3. General Permit No. Im.4, dated August 27, 1951, is revoked on the 1st day of June, 1954.

J. G. MacKINNON,
*Chief, Export and Import Permits Section,
for Minister of Trade and Commerce.*

Dated at Ottawa, May 25, 1954.

EXPORT CREDITS INSURANCE ACT. (R.S.C., 1952, c. 105)

No regulations have been made under this statute.

FAIR WAGES AND HOURS OF LABOUR ACT.**(R.S.C., 1952, c. 108)****Fair Wages and Hours of Labour Regulations**

P.C. 1954-2030

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the Fair Wages and Hours of Labour Act, is pleased to order as follows:

1. The Regulations made under the Fair Wages and Hours of Labour Act by Order in Council P.C. 6801 of 23rd November, 1940, are hereby revoked; and

2. The annexed "Fair Wages and Hours of Labour Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

FAIR WAGES AND HOURS OF LABOUR REGULATIONS

1. These regulations may be cited as the *Fair Wages and Hours of Labour Regulations*.

2. (1) In these regulations,

(a) "contract" means a contract made with the Government of Canada for construction, remodelling, repair or demolition of any work; and

(b) "Minister" means the Minister of Labour.

(2) Paragraph (a) of subsection (1) does not apply to the purchase of materials, supplies or equipment, for use in the work contemplated, under any contract of sale and purchase.

3. All cases of default in the payment of wages to employees by the contractor or other party charged with payment of wages under a contract shall be referred to the Minister for investigation and determination of the amount in default.

4. Where the Minister determines that there is an amount in default he may request the contractor or other party charged with the payment of wages to deliver to him a cheque payable to the Receiver General for the amount of the default, or may, as he sees fit, authorize and direct the Minister of the department of government concerned to deliver to him a cheque payable to the Receiver General for the amount of the default and to deduct the amount from any moneys owing by the Government to the

Fair Wages and Hours of Labour Act—concluded

contractor, and any amount so deducted shall for all purposes as between the contractor and the Government be deemed to be payment to the contractor.

5. Where a department has occasion through a breach of contract by a contractor to seize his security and to withhold moneys due under a contract, the department shall immediately notify the Deputy Minister of Labour.

6. Cheques delivered to the Minister under these regulations shall be deposited with the Receiver General in an account known as the Fair Wages Suspense Account, and the Minister shall authorize payment out of the account of the appropriate amounts to the employees concerned.

7. The Minister shall maintain adequate records of receipts and disbursements in respect of the Fair Wages Suspense Account.

FAIR WAGES POLICY

P.C. 1954-2029

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, is pleased, hereby, to revoke Order in Council P.C. 5547 of 3rd November, 1949, as amended, respecting the fair wages policy of the Government of Canada and its application to Government contracts, and to make and doth hereby make the annexed Order in substitution for the Order hereby revoked.

FAIR WAGES POLICY

1. (1) The conditions set out in Schedule "A" hereto shall be observed by all departments with respect to all contracts made on behalf of the Government of Canada for the construction or remodelling of public buildings of all kinds, railways, canals, roads, bridges, locks, dry docks, elevators, harbours, piers, wharves, lighthouses and other works for the improvement and safety of transportation and navigation, rifle ranges, fortifications and other works of defence, dams, hydraulic works, slides, piers, booms and other works for facilitating the transmission of timber, and all other works and properties constructed or remodelled for the Government of Canada.

(2) The conditions set out in Schedule "A" hereto shall, as far as practicable, be observed by all departments with respect to all agreements made by the Government of Canada involving the grant or payment of any public moneys of Canada by way of contribution, subsidy, loan, advance or guarantee for any of the purposes mentioned in subsection (1).

(3) Returns shall be furnished by all departments to the Department of Labour showing the nature of all contracts which have been entered into during the month preceding to which the conditions set out in

Fair Wages Policy—continued

Schedule "A" hereto apply, the names and addresses of the contractors, the dates and amounts of the contracts, and the text of the Fair Wages Schedules, if any, inserted in such contracts.

2. (1) The conditions set out in Schedule "B" hereto shall be observed by all departments with respect to all contracts for the manufacture and supply to the Government of Canada of fittings for public buildings, harness, saddlery, clothing and other outfit for the military and naval forces, Royal Canadian Mounted Police, letter carriers and other government officers and employees, mail bags, letter boxes and other postal stores, and any other articles and things that may hereafter be designated by the Governor in Council.

(2) Returns shall be furnished by all departments to the Department of Labour showing the nature of all contracts which have been entered into during the preceding month to which the conditions set out in Schedule "B" hereto apply, the names and addresses of the contractors and the dates and amounts of the contracts.

3. The following provisions shall be inserted in all contracts entered into on behalf of the Government of Canada to which by the provisions of this Order the conditions set out in Schedule "A" or Schedule "B" to this Order are applicable:

Non-Discrimination Provision

- (a) In the hiring and employment of labour for the execution of this contract the contractor shall not refuse to employ or otherwise discriminate against any person in regard to employment because of that person's race, national origin, colour or religion, nor because the person has made a complaint or given information with respect to an alleged failure to comply with the provisions of this clause.
- (b) If any question arises at any time as to whether or not there has been a failure on the part of the contractor to comply with the provisions of clause (a), the Minister or Deputy Minister of Labour or any other person designated by the Minister of Labour for the purpose shall decide the question, subject to clause (e), and his decision shall be final for the purpose of this contract.
- (c) The contractor shall make available to the Minister or Deputy Minister of Labour or any person instructed by the Minister or Deputy Minister of Labour to inquire into any complaint of non-compliance with the provisions of clause (a) or to otherwise make inquiries as to compliance by the contractor with the provisions thereof, his books and records and shall furnish such additional information as is required for the purposes of the inquiry.
- (d) Failure of the contractor to comply with any of the provisions of clause (a) shall constitute a material breach of the contract.
- (e) If the contractor is dissatisfied with a decision under clause (b), he may, within thirty days after the decision was made, request the Minister of Labour to refer the question to a judge, and thereupon the Minister of Labour shall refer the question to a judge of a superior, county or district court, whose decision is final for the purposes of this contract.

Fair Wages Policy—continued

Schedule “A”

LABOUR CONDITIONS “A”

Department of Labour to Prepare Fair Wages Schedules

1. Wherever the word “Minister” occurs in these conditions and is not qualified by the words “of Labour”, the reference is to the Minister of the contracting department.

2. In the case of all contracts to which these conditions apply, the department of the Government concerned shall communicate to the Department of Labour the nature of the proposed contract and the classes of labour likely to be required in its execution. The Department of Labour shall thereupon prepare and furnish to the department concerned schedules setting forth the rates of wages generally accepted as current for competent workmen of the various classes required in the district in which the work is to be performed or, if there be no current rates in the district, then fair and reasonable rates, the same to be recognized as the minimum rates of wages payable to the various classes of workmen employed, and also setting forth the hours of labour fixed by the custom of the trade in the district or, if there be no such custom then fair and reasonable hours, the same to be recognized as the maximum hours during which the several classes of workmen employed shall be required to work, except for the protection of life or property or on due cause shown to the satisfaction of the Minister of Labour.

By the term “current wages” and the term “hours of labour fixed by the custom of the trade” in the foregoing are meant respectively the standard rates of wages and hours of labour either recognized by signed agreements between employers and workmen in the district from which the labour required is necessarily drawn, or actually prevailing although not necessarily recognized by signed agreements.

Minister of Labour to Determine Overtime Rates and Proper Classifications

3. The following provision shall be inserted in all government contracts containing Fair Wages Schedules:

Where there are special circumstances which in the judgment of the Minister of Labour make it expedient that he should do so, he may decide what are the current or fair and reasonable rates of wages for overtime, and what is the proper classification of any work for the purposes of wages and hours. Immediately upon receipt of notice of any decision of the Minister of Labour hereunder the contractor shall adjust the wages and hours and classification of work so as to give effect to such decision. In case the contractor shall fail so to do, or fail at any time to pay to any employee or employees for any services performed or for any hours of labour wages according to the rates set forth in the schedule or fixed therefor by the Minister of Labour hereunder regarding overtime and classification, the Minister of Labour may authorize and direct the Minister to pay any such wages at the rates so fixed and to deduct the amount thereof from any moneys owing by the Government to the contractor and any such payment shall for all purposes as between the contractor and the Government be deemed and taken to be payment to the contractor, and the contractor shall be bound in every particular, by any such authority, direction and payment as aforesaid.

Fair Wages Policy—continued

4. (1) In any case where the Department of Labour is unable to furnish schedules of wages and hours for the purpose aforesaid, the Department of Labour may recommend the insertion of a General Clause in the terms following:

General Conditions Applying Where no Wages Schedule is Furnished

- (a) All persons in the employ of the contractor, subcontractor or any other person doing or contracting to do the whole or any part of the work contemplated by the contract shall during the continuance of the work be paid fair wages; that is, such wages as are generally accepted as current for competent workmen in the district in which the work is being performed for the character or class of work in which such workmen are respectively engaged; but shall in all cases be such wages as are fair and reasonable.
- (b) The working hours of persons while so employed shall not exceed eight hours per day nor forty-four hours per week except in cases of emergency as may be approved by the Minister of Labour.
- (c) The Minister of Labour may at any time and from time to time determine for the purposes of this contract, what are the current or fair and reasonable rates of wages, and may from time to time rescind, revoke, amend or vary any such decision.
- (d) Where there are special circumstances which in the judgment of the Minister of Labour make it expedient that he should do so, he may, in the manner and subject to the provisions hereinabove set forth, decide what are the current or fair and reasonable rates of wages for overtime, and what is the proper classification of any work for the purposes of wages and hours.

(2) Immediately upon receipt of notice of any decision of the Minister of Labour hereunder the contractor shall adjust the wages and hours and classification of work so as to give effect to such decision. In case the contractor shall fail so to do or to pay to any employee or employees for any services performed or for any hours of labour, wages according to the rates fixed therefor by the Minister of Labour, the Minister of Labour may authorize and direct the Minister to pay any such wages at the rates so fixed and to deduct the amount thereof from any moneys owing by the Government to the contractor, and any such payment shall for all purposes as between the contractor and the Government be deemed and taken to be payment to the contractor, and the contractor shall be bound in every particular by any such authority, direction and payment as aforesaid.

5. The following provisions shall also be inserted in all contracts to which these conditions apply:

Fair Wages Clause or Schedule to be Posted

- (a) The contractor shall post and keep posted in a conspicuous place on the premises where the contract is being executed, occupied or frequented by the workmen, the Fair Wages Clause or Schedule inserted in his contract for the protection of the workmen employed, also any decision of the Minister of Labour under paragraph 4.

Fair Wages Policy—continued

Contractor to Keep Records Which Are to be Open for Inspection

- (b) The contractor shall keep proper books and records showing the names, trades and addresses of all workmen in his employ and the wages paid to and time worked by such workmen, and the books or documents containing such records shall be open for inspection by the Fair Wages Officers of the Government at any time it may be expedient to the Minister of Labour to have the same inspected.

Departmental Requirements Before Payments Made to Contractor

- (c) The contractor shall not be entitled to payment of any money which would otherwise be payable under the terms of the contract in respect of work and labour performed in the execution of the contract unless and until he shall have filed with the Minister in support of his claim for payment a statement attested by statutory declaration, showing:
- (1) the rates of wages and hours of labour of the various classes of workmen employed in the execution of the contract;
 - (2) whether any wages in respect of the said work and labour remain in arrears;
 - (3) that all the labour conditions of the contract have been duly complied with; nor, in the event of notice from the Minister of Labour of claims for wages, until the same are adjusted.

The contractor shall also from time to time furnish the Minister such further detailed information and evidence as the Minister may deem necessary in order to satisfy him that the conditions herein contained to secure the payment of fair wages have been complied with, and that the workmen so employed as aforesaid upon the portion of the work in respect of which payment is demanded have been paid in full.

Authority to Pay Wages in Event of Default by Contractor

- (d) In the event of default being made in payment of any money owing in respect of wages of any workman employed on the said work and if a claim therefor is filed in the office of the Minister and proof thereof satisfactory to the Minister is furnished, the said Minister may pay such claim out of the moneys at any time payable by the Government under such contract and the amounts so paid shall be deemed payments to the contractor.

Conditions of Subcontracting

- (e) With a view to the avoidance of any abuses which might arise from the subletting of contracts it shall be understood that subletting, other than such as may be customary in the trades concerned, is prohibited unless the approval of the Minister is obtained; subcontractors shall be bound in all cases to conform to the conditions of the main contract, and the main contractor shall be held responsible for strict adherence to all contract conditions on the part of subcontractors; the contract shall not, nor shall any portion thereof be transferred without the written permission of the Minister; no portion of the work to be performed shall be done at the homes of the workmen.

Fair Wages Policy—continued*Workmen to be Residents of Canada*

- (f) All workmen employed upon the work comprehended in and to be executed pursuant to the said contract shall be residents of Canada, unless the Minister is of the opinion that Canadian labour is not available or that special circumstances exist which render it contrary to the public interest to enforce this provision.

Inspecting officers to ensure due observance of labour conditions

6. In all cases where clerks of works or other inspecting officers are appointed by the Government to ensure the due observance of the contract, they shall be specially instructed by the department concerned to do all in their power to see that the labour conditions are fully complied with and to report any apparent violations to the department with which the contract was made.

Fair Wages and Hours of Labour Act to govern

7. The foregoing conditions are subject to the provisions of the Fair Wages and Hours of Labour Act and regulations made thereunder.

Schedule "B"**LABOUR CONDITIONS "B"**

The following provisions shall be inserted in all contracts to which these conditions apply:

Fair Wages and Hours Provisions

1. Wherever the word "Minister" occurs in these conditions and is not qualified by the words "of Labour", the reference is to the Minister of the contracting department.

2. (a) All workman, labourers or other persons who perform labour in the construction of the work hereby contracted for, shall be paid such wages as are generally accepted as current from time to time during the continuance of the contract for competent workmen in the district in which the work is being performed for the character or class of work in which they are respectively engaged, and if there be no current rate in such district, then a fair and reasonable rate. In no event shall the wages for the particular classification or classifications of labour concerned be less than those established by statute or regulation of the province in which the work is being performed.
- (b) The working hours shall be those fixed by the custom of the trade as respects hours in the district where the work is carried on, or if there be no custom of the trade as respects hours in the district, then fair and reasonable hours, except for the protection of life and property, or on due cause shown to the satisfaction of the Minister of Labour.
- (c) Where there are special circumstances which in the judgment of the Minister of Labour make it expedient that he should do so he may decide what are the current or fair and reasonable rates of wages for overtime, and what is the proper classification of any work for the purposes of wages and hours. Immediately upon receipt of

Fair Wages Policy—continued

notice of any decision of the Minister of Labour hereunder the contractor shall adjust the wages and hours and classification of work so as to give effect to such decision. In the event of a dispute arising as to what is the current or a fair and reasonable rate of wages, or what are the current hours fixed by the custom of the trade or fair and reasonable hours or as to rates for overtime it shall be determined by the Minister of Labour, whose decision shall be final; payment may also be withheld of any moneys which would otherwise be payable to the contractor until the Minister of Labour's decision has been complied with.

By the term "current wages" and the term "hours of labour fixed by the custom of the trade", in the foregoing, are meant respectively the standard rates of wages and hours of labour either recognized by signed agreements between employers and workmen in the district from which the labour required is necessarily drawn or actually prevailing, although not necessarily recognized by signed agreements.

Fair Wages Provisions to be Posted

3. The contractor shall post and keep posted in a conspicuous place on the premises where the contract is being executed, occupied or frequented by the workpeople, the foregoing fair wages provisions for the protection of the workpeople employed.

Records to be Open for Inspection

4. The contractor shall keep proper books and records showing the names, ages, trades and addresses of all workmen in his employ and the wages paid to and time worked by such workmen and the books and documents containing such records shall be open for inspection by the Fair Wages Officers of the Government at any time it may be expedient to the Minister of Labour to have the same inspected.

Premises and Work to be Kept Open for Inspection

5. The contractor's premises and the work being performed under this contract shall be open for inspection at all reasonable times by any officer authorized by the Minister of Labour for this purpose; all such premises shall be kept by the contractor in sanitary condition.

Conditions of Subcontracting

6. With a view to avoidance of any abuses which might arise from the subletting of contracts it shall be understood that subletting is prohibited unless the approval of the Minister is obtained; subcontractors shall be bound in all cases to conform to the conditions of the main contract, and the main contractor shall be held responsible for strict adherence to all contract conditions on the part of subcontractors; the contract shall not, nor shall any portion thereof be transferred without the written permission of the Minister; no portion of the work to be performed shall be done at the homes of the workpeople or, except as specially provided for under legislative authority, by inmates of penal institutions.

Fair Wages Policy—concluded*Workmen to be Residents of Canada*

7. All workmen employed upon the work comprehended in and to be executed pursuant to this contract shall be residents of Canada, unless the Minister is of the opinion that Canadian labour is not available or that special circumstances exist which would render it contrary to the public interest to enforce this provision.

Departmental Requirements Before Payments Made to Contractor

8. The contractor shall not be entitled to payment of any money which would otherwise be payable under the terms of the contract in respect of work and labour performed in the execution of the contract unless and until he shall have filed with the Minister in support of his claim for payment a statement attested by statutory declaration showing:

- (1) the rates of wages and hours of labour of the various classes of workmen employed in the execution of the contract;
- (2) whether any wages in respect of the said work and labour remain in arrears;
- (3) that all the labour conditions of the contract have been duly complied with; or, in the event of notice from the Minister of Labour of claims for wages, until the same are adjusted.

The contractor shall also from time to time furnish to the Minister such further detailed information and evidence as the Minister may deem necessary in order to satisfy him that the conditions herein contained to secure the payment of fair wages have been complied with, and that the workmen so employed as aforesaid upon the portion of the work in respect of which payment is demanded have been paid in full.

Authority to Pay Wages in Event of Default by Contractor

9. In the event of default being made in payment of any money owing in respect of wages of any workman employed on the said work, and if a claim therefor is filed in the office of the Minister and proof thereof satisfactory to the Minister is furnished, the said Minister may pay such claim out of the moneys at any time payable by the Government under such contract and the amount so paid shall be deemed payments to the contractor.

FAMILY ALLOWANCES ACT. (R.S.C., 1952, c. 109)**Family Allowances Regulations**

P.C. 1954-1508

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and under the authority of the Family Allowances Act, is pleased to order as follows:

Family Allowances Act—continued

1. The Family Allowances Regulations established by Order in Council P.C. 1953-321 of 5th March, 1953, are hereby revoked; and

2. The annexed "Family Allowances Regulations" are hereby made and established in substitution for the regulations hereby revoked.

THE FAMILY ALLOWANCES REGULATIONS

Short Title

1. These regulations may be cited as the *Family Allowances Regulations*.

Interpretation

2. In these regulations

- (a) "Act" means the Family Allowances Act;
- (b) "Director" means the Director of Family Allowances;
- (c) "Eskimo" means a person who is listed as an Eskimo on the roll or records of, and to whom an identification disk has been issued by, the Northern Administration and Lands Branch;
- (d) "Indian" means a person who is, or is entitled to be, registered under the Indian Act and who resides
 - (i) in unorganized territory, or
 - (ii) in organized territory, permanently on a reserve as defined in the Indian Act;
- (e) "Northern Administration and Lands Branch" means the Northern Administration and Lands Branch of the Department of Northern Affairs and National Resources, Ottawa;
- (f) "Regional Director" means the Regional Director of Family Allowances of the province for which he is appointed or of the Territories;
- (g) "registration" means registration in the manner prescribed by these regulations of a child or children for the allowance payable under the Act;
- (h) "registration form" means the form prescribed by the Minister for making application for registration of a child or children;
- (i) "Territories" means the Northwest Territories and the Yukon Territory; and "territory" means in the case of a person residing in the Northwest Territories, the Northwest Territories, and in the case of a person residing in the Yukon Territory, the Yukon Territory.

3. (1) "Birthday" for the purpose of section 4 of the Act, means an anniversary of the date of birth of a child but does not include the day of birth.

(2) "Institution" for the purposes of section 2 of the Act, means an orphanage, children's home, shelter, refuge, residential school, hospital, maternity home or other building not being a private residence, home or dwelling, in which children are cared for separate and apart from their parents.

Resident of Canada

4. A child is deemed to be a resident of Canada if the child makes his home and is ordinarily present in Canada; periods of absence that are of a temporary nature do not affect the status of a child as a resident of Canada.

Family Allowances Act—continued*Resident in Canada*

5. A child is deemed to be resident in Canada if the child makes his home and is ordinarily present in Canada; periods of absence that are of a temporary nature do not interrupt residence in Canada, but nothing in this section affects the provisions of section 27.

Substantial Maintenance

6. (1) A parent shall be deemed to maintain a child substantially if the value of the contributions made by the parent in cash or otherwise for the maintenance, care, training, education and advancement of the child is five dollars or more per month exclusive of the allowance and such value exceeds the value of contributions for such purposes made by any other person or persons who has or have applied to register the child.

(2) A parent shall be deemed not to cease to maintain a child who is attending school or receiving equivalent training by reason only that such child is gainfully employed.

(3) A parent shall be deemed to cease to maintain substantially a child who is not attending school or receiving equivalent training and who is gainfully employed.

Competent Educational Authority

7. For the purpose of subsection (3) of section 4 of the Act the following educational authorities are prescribed:

- (a) in respect of a child who resides in the Northwest Territories, other than an Indian, the Commissioner of the Northwest Territories;
- (b) in respect of a child who resides in the Yukon Territory, other than an Indian or Eskimo, the Commissioner of the Yukon Territory;
- (c) in respect of Indians, the Director, Indian Affairs Branch, Department of Citizenship and Immigration;
- (d) in respect of Eskimos, the Commissioner of the Northwest Territories.

Administration

8. The Director shall in such manner as he may determine cause registration forms to be made available to any parent in Canada.

9. (1) The Director and Regional Directors and such officers, clerks and employees as may be appointed shall perform the functions and duties prescribed by the Act, these regulations, and the Minister.

(2) The Director may, subject to the approval of the Minister delegate to Regional Directors any duty, power, responsibility, or discretion conferred on him by these regulations.

(3) The Director may issue such instructions to Regional Directors, officers, clerks and employees as he considers necessary for the efficient administration of the Act and these regulations.

Registration

10. Subject to sections 11 and 12, an application to register a child shall be deemed to be made only when a registration form completed by a parent who is maintaining the child and who is residing in Canada is received at the office of the Regional Director.

Family Allowances Act—continued

11. (1) An application to register an Indian child shall be deemed to be made only when a registration form completed by or on behalf of an Indian parent who is maintaining the child and who is residing in Canada is received by the Indian Superintendent of the reserve where such parent ordinarily resides or of the band of which such parent is a member.

(2) The Indian Superintendent shall on receipt of the registration form transmit it to the Regional Director with a statement on which he shall certify that all information in the registration form and in such statement is true and correct to the best of his knowledge and belief and such statement shall set out

- (a) the band number of the parent;
- (b) the name of the reserve where such parent ordinarily resides or the band of which he is a member;
- (c) such other information as to the Indian Superintendent seems relevant or as may be required by the Director, and
- (d) the source of the Indian Superintendent's information.

12. (1) An application to register an Eskimo child shall be deemed to be made only when a registration form completed by or on behalf of an Eskimo parent who is maintaining the child and who is residing in Canada is received by the Registrar of Vital Statistics of the district or province or territory where such parent ordinarily resides.

(2) The Registrar of Vital Statistics shall on receipt of the registration form transmit it to the Director of the Northern Administration and Lands Branch with a statement on which he shall certify that all information in the registration form and in such statement is true and correct to the best of his knowledge and belief and such statement shall set out

- (a) the identification number of the parent;
- (b) such other information as to the registrar seems relevant or as may be required by the Director, and
- (c) the source of the registrar's information.

(3) On receipt of the registration form and statement, the Northern Administration and Lands Branch shall verify the information therein against any available records possessed by the said Branch and transmit such form and statement to the Regional Director of the Territories with such additional information as appears relevant.

Certification of Registration Form

13. The Director shall examine or cause to be examined each registration form received and if satisfied that any child named therein is eligible for registration and that the applicant is the parent who is maintaining the child and is residing in Canada he shall so certify in respect of each child listed on the registration form by making or causing to be made an appropriate entry on such form.

Date Registration Effective

14. (1) Subject to subsection (2), the certificate of the Director shall effect registration of the child in respect of whom it is given,

- (a) as of the last day of the month when the child was born, where application is made within thirty days of the date of birth of the child, or

Family Allowances Act—continued

- (b) as of the last day of the month when the registration form was received by the Regional Director or in the case of an Indian child, by the Indian Superintendent, or in the case of an Eskimo child by the Registrar of Vital Statistics, where such application is made after thirty days from the date of birth of the child.

(2) Notwithstanding subsection (1), where the application is in respect of a child residing in an isolated area of Canada, the Director, having due regard to the circumstances of the case, geographical situation and the mailing facilities available where the parent resides, if satisfied that the application was made as soon as practicable, may in his discretion declare that the registration of such child shall be effective as of an earlier day, which day shall in no case be prior to the last day of the twelfth month preceding the day on which the application was received by the Regional Director or the last day of the month when such child was born, whichever is the later.

Supplementary Information

15. (1) The Director may at any time require the person receiving the allowance to furnish additional information regarding

- (a) the eligibility of a child to be registered or for the allowance;
- (b) the right of any person to receive the allowance, or
- (c) the use to which the allowance is put

(2) The Director may at any time cause such investigation as he considers necessary into any matter affecting

- (a) the eligibility of a child to be registered or for the allowance;
- (b) the right of any person to receive the allowance, or
- (c) the use to which the allowance is put.

16. The Director may append the record of any information obtained under section 15 to the registration form to which it relates and such record shall when appended form part of the registration form.

Cancellation of Registration

17. (1) The registration of a child shall be cancelled as of the last day of the month in which

- (a) the child dies;
- (b) the child, if female, marries;
- (c) the child ceases to be a resident of Canada; or
- (d) the parent who made the application to register the child authorizes in a form satisfactory to the Director that such registration be cancelled or withdrawn or that the payment of an allowance be discontinued.

(2) Where the registration of a child has been cancelled pursuant to paragraph (c) or (d) of subsection (1), a later application to register the child shall be dealt with as a new application for registration.

Payment

18. Except as otherwise provided in the Act and these regulations, the allowance payable in respect of a child shall be paid

Family Allowances Act—continued

- (a) where the application to register such child is made jointly by a male and a female parent, to the female parent;
- (b) where the application to register such child is made by one parent only and evidence satisfactory to the Director is given of the reason why such application was made by such parent only, to such parent; and
- (c) where the application to register such child is made by a parent other than the father, step-father, adoptive father, foster father, mother, step-mother, adoptive mother, foster mother of the child, to such parent, upon such terms as to the manner in which the allowance shall be paid, used and accounted for as the Director prescribes.

19. Notwithstanding section 18, but subject to sections 20 and 21, where in the opinion of the Director

- (a) the person receiving the allowance does not exclusively apply it towards the maintenance, care, training, education and advancement of the child in respect of whom the allowance is paid;
- (b) the age, infirmity, ill health, insanity, improvidence or other reasonable cause of disqualification of the person to whom the allowance is paid makes it necessary; or
- (c) other special circumstances or reasonable cause of any kind whatsoever requires,

he may direct that the allowance be paid to such other person or agency as he considers suitable in the best interests of the child.

20. Notwithstanding sections 18 and 19, if the Director is of the opinion that it is in the best interests of an Indian child he may direct that the allowance paid in respect of such child be paid

- (a) to the trust account of the Indian agency charged with the administration of the Indian band or reserve to which such parent belongs, to be administered on behalf of the child by the Indian Superintendent in accordance with such instructions as may be agreed to between the Director and the Indian Affairs Branch of the Department of Citizenship and Immigration; or
- (b) to the Indian Affairs Branch of the Department of Citizenship and Immigration to be disbursed by such Branch on behalf of the child in accordance with arrangements between the Director and the said Branch.

21. Notwithstanding sections 18 and 19, if the Director is of the opinion that it is in the best interests of an Eskimo child he may direct that the allowance paid in respect of such child be paid to the Northern Administration and Lands Branch to be disbursed by such Branch on behalf of the child in accordance with arrangements between the Director and the said Branch.

Death of Payee

22. Where a person to whom the allowance is being paid dies, the Director shall designate such other person to whom the allowance will henceforth be paid as he considers desirable in the best interests of the child and he may instruct the cancellation of any cheque that has been issued to the deceased payee and that has not been cashed and he may require the return of such cheque to the Regional Director for cancella-

Family Allowances Act—continued

tion and cause to be re-issued a cheque in the amount of the allowance to the person he has designated.

Cessation of Maintenance

23. A parent is not entitled to receive an allowance in respect of a child from the month following the month in which such parent ceases to maintain the child.

New Payee

24. The allowance in respect of a child who ceases to be maintained by a parent may be paid to the person who subsequently maintains the child for and from the month following the month in which an application, in a form that the Director considers satisfactory, is received in the office of the Regional Director.

Retroactive Payment

25. Subject to section 26, where a person who makes an application pursuant to section 24 establishes to the satisfaction of the Regional Director that he has maintained the child previous to the month in which application is made, the Regional Director may direct that payment be made for the period during which he maintained the child or for a period beginning three months prior to the month when the application was made, whichever is the shorter.

Overpayment

26. No payment shall be made under section 25 for any part of a period when the allowance has been paid to a parent who had ceased to be entitled to the allowance unless the resulting overpayment to that parent has been recovered by the Director.

Temporary Absence from Canada

27. (1) Subject to subsection (2), where a child in respect of whom an allowance is paid, is temporarily absent from Canada, the allowance shall, following the payment for the month in which such child departed from Canada cease to be payable until the month following the month in which the child has resumed residence in Canada and notice of such resumption of residence is received by the Regional Director in a form satisfactory to him.

(2) Where a notice is received within ninety days from the day in which the child resumes residence in Canada, the allowance may be reinstated for and from the month following resumption of residence, and if the total absence from Canada does not exceed three calendar months, the allowance may be paid for the entire period of such absence.

Change of Address

28. (1) Where any child in respect of whom an allowance is paid moves to a new address in Canada, the person to whom the allowance is paid shall within ninety day from the date on which such child moved report the new address to the Regional Director in such form as the Director shall prescribe.

Family Allowances Act—continued

(2) Where a report of a child's new address in Canada is not made under subsection (1), the allowance shall, following payment for the month in which the child has moved to such new address, cease to be payable until the month following the month in which the new address is so reported, at which time payment may be resumed.

(3) Notwithstanding subsection (2), where an explanation in a form satisfactory to the Regional Director is given for failure to report the new address of a child under subsection (1), payment of the allowance may be made for and from the month following the month in which the payment of the allowance ceased to be payable or for and from the month in which such report might reasonably have been made in the opinion of the Regional Director.

Ineligibility of Child or Parent

29. (1) Notwithstanding any other provision of these regulations, when the Director desires to enquire into the eligibility of a child in respect of whom or the person to whom, payment of an allowance is made, he may direct the suspension of such allowance.

(2) Upon being satisfied of the eligibility of a child whose allowance has been suspended, the Director shall order that payment of the allowance be resumed and paid to such person as he may direct.

(3) After the Director has enquired into the eligibility of a person who received an allowance in respect of a child, he shall direct payment to be made to that person or to such other person whom he considers suitable in the best interests of the child.

(4) Where payment of an allowance is resumed, the Director may direct payment for the whole period during which the allowance was suspended or for such shorter period as he deems proper.

Notice to Parent or Payee by Director

30. (1) The Director shall as soon as practicable give notice to the parent or person concerned when he decides or directs that

- (a) any child named in a registration form is ineligible for registration or payment of the allowance;
- (b) a parent is ineligible to receive the allowance;
- (c) the allowance shall be discontinued or paid to some other person or agency under section 5 of the Act; or
- (d) under section 19, the allowance shall be paid to a person other than the parent.

(2) The notice referred to in subsection (1) is sufficiently given if it is sent by ordinary post to the last known address of the person making application or receiving the allowance.

Notice to Director by Payee

31. Where a child in respect of whom an allowance is paid

- (a) does not regularly attend school as required by the laws of the province where he resides or does not receive equivalent training;
- (b) dies;
- (c) ceases to be resident in Canada;
- (d) if a female, marries;
- (e) ceases to be maintained by a parent; or

Family Allowances Act—continued

(f) has been temporarily absent from Canada for a period in excess of one month,
the person to whom the allowance is being paid shall, within one month of such occurrence, report it to the Regional Director in such form as the Director prescribes.

Secrecy

32. Except where required by law or when necessary for the administration of the Act or these regulations, no person who obtains information under the provisions of the Act or these regulations shall disclose or communicate such information or allow it to be disclosed or communicated.

Penalty

33. Every person who wilfully contravenes any provision of these regulations is liable upon summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months.

Appeal

34. (1) There shall be an appeal committee for each province, consisting of such persons resident therein as the Governor in Council may appoint to be members thereof, to hear and determine appeals by persons resident in such province.

(2) There shall be one appeal committee for the Territories consisting of such persons as the Governor in Council may appoint to be members thereof, to hear and determine appeals by persons resident in the Territories.

(3) The Minister may, at such times and places as he deems proper, convene a meeting of the chairmen of the appeal committees to discuss the hearing and determination of appeals, matters related thereto, and such other matters as in his opinion are necessary and desirable for the efficient administration of the Act.

35. (1) A member shall be appointed for a period of two years.

(2) A member on the expiration of his terms of office is eligible for re-appointment.

(3) A member may be removed for cause by the Governor in Council.

36. Every member shall be paid his actual travelling and living expenses necessarily incurred in connection with the discharge of his duties as a member, but shall not receive any remuneration for his services as a member.

37. The Governor in Council may designate any member of an appeal committee to be chairman thereof.

38. (1) The Governor in Council may appoint for each appeal committee a person to be the secretary thereof.

(2) The secretary shall, in addition to the regular duties assigned to him, perform such other duties as the Governor in Council may from time to time direct or as may be prescribed by the appeal committee.

(3) The secretary is responsible for convening the appeal committee.

(4) The secretary of an appeal committee shall be paid out of moneys appropriated by Parliament for the administration of the Act such remuneration as may be authorized by the Governor in Council.

Family Allowances Act—continued*Sittings*

39. An appeal committee shall sit as often as may be necessary to hear and determine appeals, but there shall be a sitting of the appeal committee at least once each month if there is an appeal to be heard.

40. The appeal committee for a province shall sit to hear and determine appeals in such place in the province as may be convenient and the appeal committee for the Territories shall sit to hear and determine appeals in the city of Ottawa or in such other place as may be convenient.

41. Any three members of an appeal committee constitute a quorum to lawfully hear and determine appeals.

42. When the chairman is not present at a sitting of an appeal committee, the members present shall elect one of their number to act as chairman during his absence.

43. Except as provided in the Act or these regulations, the procedure on the hearing of an appeal shall be determined by the chairman or acting chairman of the appeal committee.

Determination of Appeal

44. The determination of an appeal shall be according to the opinion of the majority of the members present at the hearing.

Adjournment

45. (1) An appeal committee may at any time adjourn its proceedings to such day as may to it seem proper.

(2) The chairman may at any time, either before or during the hearing of an appeal, where in his opinion it is necessary, appoint a committee of members to inquire into and report to the appeal committee on any question relating to an appeal or group or class of appeals, or upon any matter in regard thereto, and the committee so appointed shall thereupon make such investigation and report as may appear necessary, but the members of the committee are thereafter disqualified from participating in the hearing and determination of the appeal or appeals in respect of which such investigation and report is made.

Jurisdiction

46. An appeal lies to the appeal committee for the province or the Territories where the decision appealed against was made.

47. An appeal committee upon an appeal may affirm the decision appealed against, or may make such other order as may properly be made under the Act and these regulations.

48. An appeal committee may at any time extend the time within which anything respecting appeals is required to be done.

Notice of Appeal

49. (1) An appeal shall be commenced by an appellant delivering or mailing to the Regional Director notice in writing setting forth a statement of the grounds of the appeal.

Family Allowances Act—continued

(2) The notice of appeal shall be given within three months from the day the notice of a decision or direction was given under section 30, or if it relates to a matter not within the provisions of section 30 it shall be given within three months from the day the decision in such matter was made.

50. The Regional Director shall on receipt of the notice of appeal prepare copies thereof and shall furnish a copy to the secretary and to all persons affected by the decision appealed against.

51. On receipt of a notice of appeal the secretary shall examine the same and if, in his opinion, such notice does not sufficiently and clearly set forth a statement of the grounds of appeal, or should be accompanied by other explanations or information or documents, he shall cause the appellant to be informed so that any such insufficiency in the notice may be remedied by the appellant, or such explanation or information may be furnished in order that all the facts, documents and information may be before the appeal committee for consideration upon the hearing of the appeal.

Duties of Regional Director

52. A Regional Director shall, within ten days from the day he receives the notice of appeal, cause to be filed with the secretary a short statement of the facts upon which the decision appealed against was made, together with the registration form, and any correspondence, reports, statements or other information in his possession relating to the appeal, and the secretary shall make such material available to the appeal committee.

Change of Venue

53. When, in the opinion of the secretary, or the appeal committee, the appeal could be more properly or conveniently heard and determined by an appeal committee in another province or in the Territories, the secretary shall transmit the notice of appeal and all documents in connection therewith to such other appeal committee and shall notify the appellant, and such appeal committee shall thereafter hear and determine the appeal as fully and effectively as if it had arisen in such province or the Territories as the case may be.

54. (1) An appeal committee shall not decide an appeal until a reasonable opportunity has been given to an appellant to file with the appeal committee in writing any representations that he desires the appeal committee to consider in making its order.

(2) An appellant who, within fourteen days from the mailing to him of notice of such opportunity, fails to file with the secretary such representations or information, as the case may be, shall be deemed to have had reasonable opportunity to do so.

Nature of Evidence

55. All evidence considered by an appeal committee shall be in writing except where it appears to the satisfaction of an appeal committee that it is necessary in the interests of justice that oral testimony be heard in which case the appeal committee may receive and consider oral testimony.

Family Allowances Act—concluded

Order

56. (1) An order shall be in writing and signed by the chairman or acting chairman.

(2) A copy of every order shall be furnished by the secretary to the appellant and to the Regional Director.

(3) An order is not effective until the expiration of ten days from the day on which it was furnished to the Regional Director.

Reference to Deputy Minister of Justice

57. (1) An appeal committee may at any time request the Director to state in the form of a special case for the opinion of the Deputy Minister of Justice, any question of law arising in, from, or in connection with an appeal to such appeal committee.

(2) At any time during the hearing of an appeal, or within ten days from the furnishing of a copy of an order to the Regional Director, the appeal committee, if so requested by such Regional Director, shall request the Director to state a special case for the opinion of the Deputy Minister of Justice upon any question of law arising in, from, or in connection with such appeal.

(3) Pending the receipt of the opinion of the Deputy Minister of Justice upon a special case all proceedings shall be stayed and such opinion when given shall be conclusive of the question of law involved and shall be binding upon the appeal committee.

(4) An appeal committee may reconsider an appeal with respect to which an opinion of the Deputy Minister of Justice has been stated and may amend any order made in that appeal.

FARM IMPROVEMENT LOANS ACT. (R.S.C., 1952, c. 110)

Farm Improvement Loans Regulations

P.C. 1954-1840

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Farm Improvement Loans Act, is pleased to order as follows:

1. The Farm Improvement Loans Regulations, established by Order in Council P.C. 5731 of 10th November, 1949, as amended, are hereby revoked; and

2. The annexed "Farm Improvement Loans Regulations" are hereby made and established in substitution for the regulations hereby revoked.

Note: Order in Council P.C. 1954-2061 of 31st December 1954, amended the above Order in Council by revoking, effective February 15,

Farm Improvement Loans Act—continued

1955, the regulations established by Order in Council P.C. 5731 of 10th November 1949, as amended, and by establishing the following regulations effective February 15, 1955.

THE FARM IMPROVEMENT LOANS REGULATIONS

1. These regulations may be cited as the *Farm Improvement Loans Regulations*.
2. (1) For the purpose of the Act and these regulations,
 - (a) "owner" includes a person who has either an equitable or legal interest in a farm;
 - (b) "repairs, alterations and additions" means
 - (i) the purchase, installation, repair or improvement of heating systems including permanent equipment such as stokers, oil-burners and wood, coal, gas and electric furnaces and boilers, which are a part of such a system;
 - (ii) the purchase, installation, repair or improvement of plumbing systems including permanently installed water heaters, sinks, tubs and other equipment;
 - (iii) the painting of any farm building or the interior decorating of the farm home including the purchase of materials for such purposes;
 - (iv) the making of repairs to any building or structure on a farm, including the purchase of materials for such purpose;
 - (v) the making of structural alterations to an exterior or interior which are designed to improve or modernize or increase the usefulness of any building or structure on a farm, including the purchase of materials for any such purpose; or
 - (vi) the making of additions to buildings, including the addition of one or more rooms or storeys, the construction of an attached garage, ice-house or outbuilding, the installation and construction of foundations and basements for buildings, and including the purchase of materials for any such purpose, whether or not wholly or partly assembled to form a building or part thereof;
 - (c) "responsible officer of the bank" includes the manager or assistant manager of a branch of the bank or the person for the time being acting as such a manager or assistant manager; and
 - (d) "works for drainage" includes ditches, tiling and drainage installations, pumping and diking installations, and works for the conservation of soil against water erosion.
- (2) In these regulations, "Act" means the *Farm Improvement Loans Act*.
3. Whenever under these regulations any matter or thing is in the discretion of a bank, such discretion may be exercised by a responsible officer of the bank.
4. The following are designated as works for the improvement or development of a farm, for which farm improvement loans may be made:
 - (a) the construction, installation, repair, alteration or improvement of a sewage disposal system or any portion thereof;

Farm Improvement Loans Act—continued

- (b) the sinking, construction, installation, repair, alteration or improvement of wells, dugouts and all types of water supply systems or an ice well;
- (c) clearing, breaking, irrigating and reclaiming land;
- (d) soil conservation, prevention of erosion and the planting of trees and shelter belts;
- (e) the purchase of buildings or structures, whether complete or partially complete, situated elsewhere than on the farm, moving them to the farm, installing them thereon and completing them if incomplete;
- (f) the repair, alteration or improvement of fencing or works for drainage on a farm; and
- (g) the purchase and planting of fruit trees.

5. Subject to the provisions of the Act and these regulations, a loan made by a bank is a guaranteed farm improvement loan if the loan is made for one of the following purposes, namely,

Agricultural Implement Loans

- (a) for the purpose of financing the purchase of agricultural implements (except for the purpose of financing the purchase of a portable sprinkler irrigation system), if:
 - (i) the loan is made to the owner or tenant of the farm;
 - (ii) application is made in accordance with Schedule A;
 - (iii) the loan is made for not more than,
 - (A) in the case of new implements purchased, sixty-six and two-thirds per cent of the cash price of such implements,
 - (B) in the case of used or second-hand implements purchased, sixty per cent of the cash price of such implements, and
 - (C) notwithstanding clauses (A) and (B), where the loan is made for the purchase of a cream separator, churn, washing machine, incubator, milking machine, refrigerator or a heating or cooking appliance, eighty per cent of the cash price of such implement,
 as stated in the relative contract or other written evidence of the sale;
 - (iv) the bank has required the farmer to deliver to the bank receipts or paid cheques evidencing that the farmer has paid to the seller of the implements the purchase price thereof as set out in section (1) of the application for the loan;
 - (v) security is taken under section 88 of the *Bank Act* on the agricultural implements purchased at the time the loan is made or pursuant to a written promise or agreement of the farmer to give such security;
 - (vi) notwithstanding section 11 the period for repayment of the loan is restricted to a maximum period of three years;
 - (vii) where the loan is made for the purchase of a cream separator, churn, washing machine, incubator, milking machine, refrigerator, or a heating or cooking appliance, it is, insofar as the bank considers practicable, repayable in instalments which are payable not less frequently than monthly;
 - (viii) where the loan is made for the purchase of a motor truck for use in the business of farming, it is repayable in instalments which are payable not less frequently than every six

Farm Improvement Loans Act—continued

months, except that where the loan is for not more than one-half of the cash price of the motor truck, it may be repayable in instalments which are payable not less frequently than annually, but where the loan is made to a farmer who states in his application for the loan that he is in receipt of a monthly income from his farm, instalment payments insofar as the bank considers it practicable, shall be required to be made monthly; and

- (ix) where the loan is made for the purchase of agricultural implements other than those specified in subparagraphs (vii) and (viii), repayment of the loan is required to be made in instalments which are payable not less frequently than annually;

Portable Sprinkler System

- (b) for the purpose of financing the purchase of an agricultural implement known as a portable sprinkler irrigation system (in this paragraph called "the system"), if:

- (i) the loan is made to the owner of the farm or to the tenant of the farm if the tenant has the right of tenancy for a period of at least two years beyond the repayment period of the loan;
- (ii) application is made in accordance with Schedule A;
- (iii) the loan is made for not more than seventy-five per cent of the estimated cost of the system as set out in the application for the loan;
- (iv) the bank has required the farmer to deliver to the bank receipts or paid cheques evidencing that the farmer has paid to the seller of the system the purchase price thereof as set out in section (1) of the application for the loan;
- (v) security is taken under section 88 of the *Bank Act* on the system purchased at the time the loan is made or pursuant to a written promise or agreement of the farmer to give such security, and, in addition, if the principal amount of the loan exceeds two thousand dollars and the period for repayment thereof is longer than five years, security is taken, at the time the loan is made, by way of mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended or by an assignment of the rights and interest of a purchaser of the farm under an agreement of sale; and
- (vi) repayment of the loan is required to be made in instalments which are payable not less frequently than annually;

Live Stock Loans

- (c) for the purpose of financing the purchase of livestock (except for the purpose of financing the purchase of what are commonly known as "short-term feeder steers"), if:
 - (i) the loan is made to the owner or tenant of the farm;
 - (ii) application is made in accordance with Schedule A;
 - (iii) the loan is made for not more than seventy-five per cent of the estimated cost of the live stock as set out in the application for the loan;

Farm Improvement Loans Act—continued

- (iv) security is taken under section 88 of the *Bank Act* on the live stock purchased, including the natural increase; or on all live stock owned or to be owned by the borrower, at the time the loan is made or pursuant to a written promise or agreement of the farmer to give such security;
- (v) the bank has required the farmer to deliver to the bank a receipt or a bill of sale describing the live stock and evidencing that the farmer has paid to the seller of the live stock the purchase price thereof as set out in section (1) of the application for the loan; and
- (vi) repayment of the loan is required to be made in instalments which are payable not less frequently than annually, but where the farmer states in his application for the loan that he is in receipt of a monthly income from his farm, instalment payments, insofar as the bank considers it practicable, shall be required to be made monthly;

Loans for the Purchase or Installation of Agricultural Equipment or a Farm Electric System

- (d) for the purpose of financing the purchase or installation of agricultural equipment or a farm electric system, if:
 - (i) the loan is made to the owner of the farm;
 - (ii) application is made in accordance with Schedule A;
 - (iii) the loan is made for not more than seventy-five per cent of the estimated cost of the agricultural equipment or the farm electric system including cost of installation, as set out in the application for the loan;
 - (iv) the bank has required the farmer to deliver to the bank receipts or paid cheques evidencing that to the extent that the cost of the agricultural equipment or farm electric system, except for small amounts representing cost of casual or miscellaneous purchases, is made up of the cost of the equipment, machinery or materials purchased, the farmer has paid to the seller of the equipment, machinery or materials the purchase price thereof as set out in section (1) of the application for the loan;
 - (v) security is taken under section 88 of the *Bank Act* on the agricultural equipment or farm electric system, at the time the loan is made, or pursuant to a written promise or agreement of the farmer to give such security, and in addition, if the principal amount of the loan exceeds two thousand dollars and the period for repayment thereof is longer than five years, security is taken, at the time the loan is made, by way of mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended or by an assignment of the rights and interest of a purchaser of the farm under an agreement of sale; and
 - (vi) repayment of the loan is required to be made in instalments which are payable not less frequently than every six months;

Farm Improvement Loans Act—continued*Loans for the Alteration or Improvement of a Farm Electric System*

- (e) for the purpose of financing the alteration or improvement of a farm electric system, if:
- (i) the loan is made to the owner of the farm;
 - (ii) application is made in accordance with Schedule A;
 - (iii) the loan is made for not more than seventy-five per cent of the estimated cost of the alteration or improvement of the farm electric system, as set out in the application for the loan;
 - (iv) the bank has required the farmer to deliver to the bank receipts or paid cheques evidencing that to the extent that the cost of the alteration or improvement of the farm electric system, except for small amounts representing cost of casual or miscellaneous purchases, is made up of the cost of the equipment, machinery or materials purchased, the farmer has paid to the seller of the equipment, machinery or materials the purchase price thereof as set out in section (1) of the application for the loan;
 - (v) security is taken under section 88 of the Bank Act on all or some of the agricultural implements of the borrower, at the time the loan is made or pursuant to a written promise or agreement of the farmer to give such security, and in addition, if the principal amount of the loan exceeds two thousand dollars and the period for repayment thereof is longer than five years, security is taken, at the time the loan is made, by way of mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended or by an assignment of the rights and interest of a purchaser of the farm under an agreement of sale; and
 - (vi) repayment of the loan is required to be made in instalments which are payable not less frequently than every six months;

Fencing or Drainage Loans

- (f) for the purpose of financing the erection or construction of fencing or works for drainage on a farm, if:
- (i) the loan is made to the owner of the farm;
 - (ii) application is made in accordance with Schedule A;
 - (iii) the loan is made for not more than seventy-five per cent of the estimated cost of the project as set out in the application for the loan;
 - (iv) the bank has required the farmer to deliver to the bank receipts or paid cheques evidencing that to the extent that the cost of the project, except for small amounts representing cost of casual or miscellaneous purchases, is made up of the cost of supplies purchased, the farmer has paid to the seller of the supplies the purchase price thereof as set out in section (1) of the application for the loan;
 - (v) security is taken under section 88 of the *Bank Act* on all or some of the agricultural implements of the borrower, at the time the loan is made or pursuant to a written promise or

Farm Improvement Loans Act—continued

agreement of the farmer to give such security, and in addition, if the principal amount of the loan exceeds two thousand dollars and the period for repayment thereof is longer than five years, security is taken, at the time the loan is made, by way of mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended or by an assignment of the rights and interest of a purchaser of the farm under an agreement of sale; and

- (vi) repayment of the loan is required to be made in instalments which are payable not less frequently than annually;

Loans for the Construction, Repair or Alteration of Farm Buildings

(g) for the purpose of financing the construction of any building or structure on a farm, including the family dwelling and out-buildings, a separate house for farm help, a summer cottage or tourist cabin if erected on a farm upon which a dwelling is situate and if operated as an enterprise incidental to the farmer's business of farming, a barn, a stable, a silo, an ice-house, a granary, or any building or structure for use in the business of farming, or for the purpose of financing the repair or alteration of or the making of additions to any building or structure on a farm, if:

- (i) the loan is made to the owner of the farm;
- (ii) application is made in accordance with Schedule A;
- (iii) the loan is made for not more than ninety per cent of the estimated cost of the project as set out in the application for the loan;
- (iv) the bank has required the farmer to deliver to the bank receipts or paid cheques evidencing that to the extent that the cost of the project, except for small amounts representing cost of casual or miscellaneous purchases, is made up of the cost of building materials, the farmer has paid to the seller of the building materials the purchase price thereof as set out in section (1) of the application for the loan;
- (v) in the case of a loan, the principal amount of which exceeds two thousand dollars and the period for repayment of which is longer than five years, security is taken at the time the loan is made by way of mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended or by an assignment of the rights and interest of a purchaser of the farm under an agreement of sale;
- (vi) in the case of a loan, other than a loan mentioned in sub-paragraph (v), if in the opinion of a responsible officer of the bank security that may be given under section 88 of the *Bank Act* on agricultural implements of the borrower is sufficient to secure repayment of the loan, such security is taken at the time the loan is made or pursuant to a written promise or agreement of the farmer to give such security, but if in the opinion of a responsible officer of the bank that security is not available or is insufficient, security is taken at the time the loan is made by way of mortgage, hypothec or assignment as provided in sub-paragraph (v); and
- (vii) repayment of the loan is required to be made in instalments which are payable not less frequently than annually;

Farm Improvement Loans Act—continued*Loans for the Improvement or Development of a Farm*

- (h) for the purpose of financing any work for the improvement or development of a farm, if:
- (i) the loan is made to the owner of the farm or to the tenant of the farm if the tenant has the right of tenancy for a period of at least two years beyond the repayment period of the loan;
 - (ii) application is made in accordance with Schedule A;
 - (iii) the loan is made for not more than seventy-five per cent of the estimated cost of the project as set out in the application for the loan;
 - (iv) security is taken under section 88 of the *Bank Act* on all or some of the agricultural implements of the borrower, at the time the loan is made or pursuant to a written promise or agreement of the farmer to give such security, and in addition, if the principal amount of the loan exceeds two thousand dollars and the period for repayment thereof is longer than five years, security is taken, at the time the loan is made, by way of mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended or by an assignment of the rights and interest of a purchaser of the farm under an agreement of sale; and
 - (v) repayment of the loan is required to be made in instalments which are payable not less frequently than annually.

Further Security for Loan

6. (1) Except as otherwise provided in the Act or these regulations a bank is not required to take any security other than the security specified for the particular class of loan in section 5.

(2) Where, in the opinion of a responsible officer of the bank, further security is required or advisable, the bank may take such further security as the responsible officer considers appropriate in the circumstances.

Application for Loan

7. (1) An applicant for a loan shall submit a signed application in accordance with Schedule A and a responsible officer of the bank shall scrutinize and check the application with the care required of him by the bank in the conduct of its ordinary business and, if the loan is made, shall certify that to the best of his knowledge the conditions and purposes of the loan are such as to qualify it for guarantee under the Act and these regulations.

(2) An application for a loan does not require the approval of the Minister but a copy thereof bearing the certificate of a responsible officer of the bank shall be mailed to the Minister by ordinary post with the monthly report for the month in which the loan was made, prepared pursuant to subsection (1) of section 15, but the Minister, in his discretion, may accept an application sent thereafter as if it were sent within the time aforesaid.

Promissory Notes

8. Promissory notes in connection with loans made shall be in accordance with Schedule B or Schedule C.

Farm Improvement Loans Act—continued

Offences

9. If a bank discovers that a statement in an application for a loan is false in any material respect or that a borrower has used or is using the proceeds of a loan otherwise than for the purpose specified in the application for the loan the bank may take any action which the bank considers proper in the circumstances and the bank shall immediately make a full report thereon to the Minister who may request the bank to take such action or further action as he may require.

Liability of Minister Unaffected

10. If, despite the fact that an application has been scrutinized and checked by a responsible officer of the bank with the care required of him by the bank in the conduct of its ordinary business, it is discovered that a false material statement has been made therein or that the proceeds of the loan have been or are being used otherwise than for the purpose specified in the application for the loan, the liability of the Minister to the bank under the Act shall not for such reason be discharged to any extent.

Terms of Loan

11. Subject to paragraph (e) of subsection (1) of section 3 of the Act and subparagraph (vi) of paragraph (a) of section 5 of these regulations, the term of the loan shall be fixed by the bank which shall use its best endeavours to see that the term and the amount and frequency of instalment payments conform to the borrower's probable ability to pay, having regard to the type of farming carried on by him and the relevant marketing and other practices and conditions and to any special circumstances. (It is suggested that the bank observe the following Schedule of maximum terms for loans, except in cases where there are special circumstances which, in the opinion of the bank, would render this inadvisable:

<i>Loan not exceeding</i>	<i>Maximum term</i>
\$ 400	18 months
750	2 years 6 months
1,500	4 years
2,500	6 years
3,000	7 years
4,000	10 years)

When Entire Amount Becomes Due and Payable

12. If the borrower is in default in respect of any payment the entire amount of the balance outstanding on the loan shall, at the option of the bank, thereupon become due and payable.

Revision of Terms of Loan

13. (1) Where a borrower is in default or advises the bank that some of the terms of the agreement in connection with his loan are such that he will have to default, and where in either case the bank is of opinion that a revision or alteration of some of the terms of the agreement will enable the borrower to meet his obligation, the bank may, with approval of the borrower, alter or revise the agreement in one or all of the following ways; namely,

Farm Improvement Loans Act—continued

- (a) extend the time within which the loan must be entirely repaid notwithstanding that such extension exceeds the terms for repayment of the loan prescribed by paragraph (e) of subsection (1) of section 3 of the Act or by subparagraph (vi) of paragraph (a) of section 5 of these regulations;
- (b) reduce the amount of the periodic instalments or increase them if they are to be paid less frequently; or
- (c) increase or decrease the periods between such instalments, but in no case shall instalments be due less frequently than annually.

(2) Where the terms of an agreement altered or revised under subsection (1) do not exceed the terms for repayment of the loan prescribed by paragraph (e) of subsection (1) of section 3 of the Act or by subparagraph (vi) of paragraph (a) of section 5 of these regulations, the liability of the Minister to the bank under the Act shall not be discharged to any extent if the bank has notified the Minister of such alteration or revision and the reasons therefor by registered letter mailed within sixty days after the alteration or revision became effective.

(3) Where the terms of the agreement altered or revised under subsection (1) would result in the term for repayment of the loan being longer than the terms prescribed by paragraph (e) of subsection (1) of section 3 of the Act or subparagraph (vi) of paragraph (a) of section 5 of these regulations, the agreement shall not become effective until the bank has notified the Minister of the proposed alteration or revision and has received the approval of the Minister thereof, and where such approval is given the alteration or revision shall not discharge the liability of the Minister to the bank under the Act to any extent.

Procedure on Default

14. Where the borrower is in default in respect of any payment and the entire amount of the balance outstanding on the loan becomes due and payable in accordance with section 12, the bank may take such steps, whether by legal proceedings or otherwise, as it considers advisable

- (a) to effect collection of the loan,
- (b) to obtain whatever additional security it considers advisable in the circumstances,
- (c) to realize upon its security to whatever extent it considers advisable, and
- (d) to effect any compromise with or grant any concession to any person other than the borrower to the extent that it considers advisable,

without in any way discharging the liability of the Minister to the bank under the Act to any extent.

Reports to Minister

15. (1) The bank shall prepare and mail to the Minister by ordinary post within thirty days following the last day of each month, monthly reports in accordance with Schedule D, showing particulars of loans made in the monthly period.

(2) The bank shall prepare and mail to the Minister by ordinary post within thirty days following the last days of May and December respectively of each year reports, in accordance with Schedule E, showing particulars of all loans in default; except where instalment payments in

Farm Improvement Loans Act—continued

respect of a loan are made or required to be made monthly or quarterly, reports need not be made until a period of forty-five days has elapsed after default thereof.

(3) The bank shall furnish such information additional to that supplied pursuant to subsections (1) and (2) as the Minister may from time to time require.

Claims

16. A claim for loss by a bank in respect of a guaranteed farm improvement loan may be made to the Minister at any time not less than ninety days after the entire amount of the loan becomes due and payable whether the loan becomes due and payable in accordance with section 12 or otherwise.

17. (1) The amount of loss sustained by a bank in respect of a loan for which claim for loss has been submitted shall include

- (a) the unpaid amount of the loan;
- (b) the uncollected earned interest calculated at the rate of two and one-half per cent per annum until the claim is approved for payment;
- (c) any uncollected taxed or taxable costs and any disbursements for or incidental to legal or other proceedings in connection with the loan; and
- (d) legal fees, costs and disbursements, whether taxable or not, actually incurred by the bank, whether with or without litigation, in collecting or endeavouring to collect outstanding loans or in protecting the interests of the Minister, but only to the extent which the Deputy Minister of Justice taxes or allows.

(2) A claim for loss shall be submitted to the Minister by the bank in accordance with Schedule F.

(3) A claim for loss if the loan and the claim were made in accordance with the Act and these regulations, shall be approved for payment by the Minister within sixty days after receipt thereof and shall thereupon be paid forthwith.

(4) Upon payment of the loss in respect of a guaranteed farm improvement loan being made by the Minister to the bank, the bank shall execute a receipt in accordance with Schedule G, in favour of the Minister and such receipt shall be mailed to the Minister by ordinary post together with the promissory notes signed by the borrower, and the bank shall deal with any security held by it for the said loan as the Minister may direct and at his expense.

18. Notwithstanding section 17, if, when making a claim for loss as a result of a farm improvement loan, a bank fails to furnish to the Minister receipts or paid cheques in an amount and of a kind which, in the opinion of the Minister, are substantially all the receipts or paid cheques which the farmer is required to deliver to the bank under the agreement which the bank has made with the farmer pursuant to these regulations, and if the proceeds of the loan to be used by the farmer for the purpose of financing the purchase of implements, live stock, equipment, machinery, materials or supplies as set out in section (1) of the application for the loan of the farmer were not in fact substantially used for such purpose, the claim of the bank for loss to the extent that it is represented by advances which were not used for the purpose set out in section (1) of the application for the loan shall be reduced by fifty per cent.

Farm Improvement Loans Act—concluded*Release of Security*

19. Where a bank makes application to the Minister for release of all or part of the security held by it in respect of a farm improvements loan, the Minister, subject to such terms and conditions as he deems advisable in order to protect the interests of Her Majesty and notwithstanding that the loan has not been repaid in full, may authorize the bank to release all or part of the security.

Recoveries

20. (1) Acting on behalf of the Minister, the bank, notwithstanding that its claim for loss has been settled or paid in full, shall take such reasonable steps as the Minister may consider necessary to collect payments of principal and interest due by the borrower and to realize upon any security provided for under these regulations, such amounts as may be collected or realized to be remitted to the Minister every six months.

(2) The actual expenses of the bank incurred under subsection (1) shall be paid by the Minister to the bank.

Registry

21. The Minister shall set up a registry for the purpose of recording all loans made under the Act.

FORMS

Copies of the forms contained in Schedules A to G may be obtained on application to the Supervisor, Farm Improvement Loan Division, Department of Finance, Ottawa.

FARMERS' CREDITORS ARRANGEMENT ACT.

(R.S.C., 1952, c. 111)

Rules and Regulations

P.C. 1954-2028

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to section 40 of the Farmers' Creditors Arrangement Act, is pleased to order as follows:

1. The rules and regulations, forms and tariff of fees established by Order in Council P.C. 365 of 21st January, 1944, for the purposes of The Farmers' Creditors Arrangement Act, 1943, are hereby revoked; and

2. The annexed "Rules and Regulations under the Farmers' Creditors Arrangement Act" are hereby made and established in substitution for the rules and regulations, forms and tariff of fees hereby revoked.

Farmers' Creditors Arrangement Act.—continued

RULES AND REGULATIONS UNDER THE FARMERS'
CREDITORS ARRANGEMENT ACT

1. In these rules and regulations,

- (a) "Act" means the Farmers' Creditors Arrangement Act;
- (b) "appropriate Land Titles Office" means the Land Titles Office in every district in which the whole or any part of the real or immovable property that a farmer, who has made a proposal, owns or in which he has any interest or estate, is situate;
- (c) "farmer" means a farmer within the meaning of the Act and with reference to a proposal includes the personal representative of a deceased farmer and the personal representative appointed to administer the affairs of a farmer who is mentally incompetent, where such personal representative may file a proposal under the Act;
- (d) "Registrar" means the Registrar of the Appeal Court;
- (e) words and expressions have the same meaning as in the Act and the expression "Official Receiver" refers to the Official Receiver in his capacity as trustee and custodian as well as Official Receiver.

2. Forms in the Schedule where applicable, or forms to the like effect with such variations as may be required, shall be used under the Act, and where no special form is therein prescribed, the forms prescribed under the Bankruptcy Act may be used with such variation as circumstances may require.

3. The provisions contained in the forms and tariff in the Schedule shall be deemed to be authorized by these rules and regulations and a reference in these rules and regulations to a form by letter only means such form in the Schedule.

4. Provisions of the general rules made under the Bankruptcy Act are applicable to proceedings under the Act unless inconsistent with these rules and regulations, in which case they do not apply to proceedings under the Act.

Compositions, Extensions and Arrangements

5. A proposal may be signed by the farmer or his duly authorized agent.

6. A farmer or his duly authorized agent shall, at the time of filing a proposal with the Official Receiver, complete and file with the Official Receiver a true statement of the affairs of the farmer in form A verified by the farmer or by his duly authorized agent by statutory declaration.

7. When required to do so the Official Receiver shall assist in preparing the statement of affairs and the proposal, on information furnished the Official Receiver by the farmer or his duly authorized agent.

8. The Official Receiver shall forthwith, upon a proposal and a statement of affairs being filed with him by or on behalf of a farmer, file in the court or send by registered post to the clerk of the court and file with or send by registered post to the Registrar of each appropriate Land Titles Office a certificate in form K that the farmer has made a proposal, and such certificate shall be accepted as evidence in any court.

Farmers' Creditors Arrangement Act.—continued

9. The Official Receiver shall, when he has fixed a date for a meeting of the creditors, send by registered post to every known creditor of the farmer not less than twenty days before such date, inclusive of the date of mailing,

- (a) a notice in form J of the time and place of the meeting;
- (b) a copy of a statement of affairs of the farmer in form A;
- (c) a copy of the proposal of the farmer;
- (d) a proof of debt form in form G;
- (e) a voting letter in form H; and
- (f) a proxy form in form I.

10. The Official Receiver shall send by registered post to the farmer at least twenty days' notice of the time and place of the meeting, the day of mailing to count as the first day of notice.

11. If the Official Receiver or the court deems it advisable, personal service may be effected of any form required to be served under these rules and regulations or of a form necessary to give notice of the proceedings relating to a proposal to a creditor of a farmer.

12. The Official Receiver shall obtain an abstract of the title of the lands of the farmer, a general register certificate in respect of the farmer, a certificate from each appropriate Registry Office for the filing of bills of sale, chattel mortgages, executions and other charges in respect of the personal property of the farmer and tax certificates or tax statements relating to the property of the farmer.

13. The farmer shall attend at every meeting of the creditors unless his failure to attend is excused by resolution passed at any meeting he fails to attend; but the court shall not decline to formulate a proposal for the farmer by reason only of his failure to attend a meeting and of the omission of the creditors to excuse his attendance thereat if it is otherwise required to do so under the Act and in accordance with these rules and regulations and if it is satisfied that the failure of the farmer so to attend at the meeting was for any cause deemed by it sufficient to excuse his attendance.

14. The Official Receiver shall preside at every meeting of the creditors and shall keep minutes thereof in form B and record therein the names of creditors present in person or by proxy and how such creditor votes on any business of the meeting and in the case of voting by letter he shall attach the voting letter to the minutes.

15. (1) The Official Receiver shall keep a record of all proceedings before him pursuant to a proposal, which shall include the proposal and the statement of affairs filed with him, all proofs of debts filed with him, all certificates obtained by him under section 12, any counter proposal or amendments proposed at a meeting or otherwise, the minutes of every meeting kept by him as hereinbefore provided, and any approval or concurrence given by a creditor in writing or representations made by a creditor in writing.

(2) The Official Receiver shall keep a duplicate copy of the record of the proceedings before him for his own use but any reference hereafter in these rules and regulations to the record of the proceedings before him means the original record thereof kept in accordance with subsection (1) of this section.

Farmers' Creditors Arrangement Act.—continued

Approval of Proposal

16. (1) Where at a meeting of creditors or at an adjourned meeting of creditors a majority in number of the unsecured creditors present in person or by proxy at such meeting or voting thereat by letter, the said majority in number holding three-quarters in amount of the unsecured debts so represented in person or by proxy or by voting letter at the meeting, resolve to approve the proposal either as made by the farmer or as amended with the concurrence of the farmer, it shall be deemed to be approved by the unsecured creditors.

(2) The concurrence of a secured creditor may be given in writing prior to, at or after a meeting or adjourned meeting of creditors.

(3) A meeting may be adjourned for the purpose of securing the approval or concurrence of a creditor to a proposal made at the meeting and the creditor may by letter to the Official Receiver approve or concur in the proposal and such approval or concurrence shall be deemed to have been given at the meeting.

17. (1) Where a proposal, either as made by the farmer or as amended with the concurrence of the farmer, is approved by the unsecured creditors and concurred in by the secured creditors, if any, the Official Receiver shall file in the court the record of the proceedings before him and a report in form C signed by him, and shall forthwith apply to the court to approve the composition, extension of time or scheme of arrangement therein proposed.

(2) The filing of form C by the Official Receiver shall be accepted by the court as sufficient proof, unless the contrary is proved, that all creditors of the farmer have been advised of the proceedings under the Act as prescribed by the Act and by these rules and regulations.

18. (1) Where a proposal has been unanimously approved by the unsecured creditors present in person or by proxy or voting by letter at a meeting or adjourned meeting and the required concurrence of every secured creditor has been obtained, no notice of the application by the Official Receiver to the court for approval of the composition, extension of time or scheme of arrangement therein proposed shall be given to the creditors.

(2) Where the unsecured creditors have not given unanimous approval, the Official Receiver shall give at least seven days' notice in form D by registered post of the application to the court for approval to the unsecured creditors present in person or by proxy or voting by letter at any meeting.

(3) A certificate by the Official Receiver that unanimous consent was given or that every secured creditor has concurred in the proposal, or that notice of the application was given to the farmer and to the unsecured creditors under subsection (2) of this section shall be accepted by the court as evidence thereof.

19. (1) Where the court makes an order approving a composition, extension of time or scheme of arrangement, the Official Receiver shall forthwith send a notice of the making of such order in form M together with a copy of the composition, extension of time or scheme of arrangement so approved, by registered post to the farmer and to each of the creditors and shall forthwith cause a notice of the making of such order in form M

Farmers' Creditors Arrangement Act.—continued

and a copy of the composition, extension of time or scheme of arrangement so approved, certified by him to be a true copy, to be filed with the Registrar of each appropriate Land Titles Office.

(2) Where the court makes an order refusing to approve a composition, extension of time or scheme of arrangement, the Official Receiver shall forthwith send a notice of the making of such order in form M by registered post to the farmer and to each of the creditors.

Proposal not Approved

20. Where at any meeting of creditors convened by the Official Receiver to consider a proposal, or at any adjournment thereof, sufficient creditors are not present in person or by proxy or are not represented thereat by voting letter to hold a duly constituted meeting, the proposal of the farmer shall be deemed not to have been approved by the creditors.

21. (1) Where a proposal made by a farmer, or as amended with the concurrence of the farmer, is not approved by the unsecured creditors or is not concurred in by a secured creditor or the composition, extension of time or scheme of arrangement therein proposed is not approved by the court, the farmer or any creditor may, within twenty days

- (a) from the date of the meeting at which such proposal was not approved or concurred in, or
- (b) where a meeting was adjourned to obtain the approval or concurrence of a creditor or creditors, from the date of mailing of notice to the farmer of the last dissent from the proposal by a creditor, or
- (c) from the date of posting to him of the notice in form M of the order of the court refusing to approve the composition, extension of time or scheme of arrangement

sign and deliver to the Official Receiver a request in form F that the court endeavour to formulate a proposal.

(2) Upon delivery of such request to him the Official Receiver shall forthwith send a notice in form N by registered post to the farmer and to each of the creditors, other than the person signing such request, and shall forthwith cause such request and a certificate that the said notice in form N has been sent in the manner prescribed in this section indicating the persons to whom it was sent, to be filed in the court together with the record of the proceedings before him and a report on such proceedings in form E.

(3) Upon the said request, certificate, record and report being filed in the court the Official Receiver shall not thereafter be barred, by reason of having acted as Official Receiver in respect of the proposal, from engaging in any way in his usual business or profession.

22. (1) Where a proposal made by a farmer, or as amended with the concurrence of the farmer, is not approved by the unsecured creditors or concurred in by a secured creditor, or the composition, extension of time or scheme of arrangement therein proposed is not approved by the court, if the farmer or any of the creditors does not within the period fixed by section 21 sign and deliver to the Official Receiver a request in form F that the court endeavour to formulate a proposal, the court shall, on the

Farmers' Creditors Arrangement Act.—continued

application of the Official Receiver, the farmer or any creditor and after such notice to such parties as the court directs, by order decline to formulate a proposal for the farmer.

(2) The court shall in any such order direct that the registration of any certificate in form K registered in a Land Titles Office pursuant to the proposal filed by such farmer be vacated and, upon registration of such order in a Land Titles Office in which the said certificate is registered, the said registration shall be vacated.

Formulation of Proposal by Court

23. The court shall fix such time and place for a hearing in respect of a proposal as it deems most suitable for the convenient and expedient disposition of the proposal and may order that the whole or any part of the hearing be held or completed either in court or in chambers at such time and place as it appoints and shall then have the same power with reference thereto as if such hearing had taken place at a regular sitting of the court.

24. The clerk of the court shall give in form O by registered post not less than twenty days' notice of the time and place of the commencement of the hearing to the farmer and to each of the creditors appearing from the record of the Official Receiver, the day of mailing to count as the first day of notice.

25. (1) The court shall not proceed with the hearing or any adjourned hearing if the farmer is not present unless it is satisfied that the farmer is unable, by reason of illness or for any other reason that appears to it to be sufficient, to attend at the hearing.

(2) The court may order the farmer to attend at any hearing before it and may direct such order to be served on the farmer by registered post or otherwise as it sees fit and if upon such order being served upon him the farmer fails to attend before it the court may by order decline to formulate a proposal.

26. A creditor may file written representations by way of argument without attending at the hearing; but such representations shall, unless the court gives leave for the filing thereof at a later date, be filed in the court on or before the date of the hearing but shall not be open to examination by or on behalf of any other party interested in the proposal until the time of the hearing.

27. The Court may require the farmer or a creditor, in the place of or in addition to giving evidence, to make admissions in so far as it is expedient and practicable so to do.

28. (1) Evidence may be given by way of affidavit at any hearing before the court.

(2) Any such affidavit may be filed before or at the hearing and may include statements on belief with the grounds therefor.

(3) The court may accept written evidence of the value of the farmer's property and assets, which need not be under oath.

(4) Where an appraisal of the lands and farm of the farmer is made by an appraiser of the land appointed under the Act, the report of such appraiser shall be filed in the court as part of the record.

Farmers' Creditors Arrangement Act.—continued

29. (1) No notes of the evidence given at any hearing with respect to a proposal or for the purpose of deciding any question necessary to dispose of or to formulate a proposal shall be required to be taken in shorthand and the judge of the court shall take such notes of the evidence as may be required to reproduce the same in substance and effect.

(2) The court may permit the whole or any part of the evidence at a hearing to be taken down by a competent shorthand reporter furnished by any person interested in a proposal at his own expense, which reporter shall be sworn to take down correctly and, if required, to extend truly his notes of the evidence to form part of the record.

30. The court may adjourn the hearing from time to time for such time and to such places as it, in its discretion, deems expedient or advisable in order to enable it to deal adequately with a proposal.

31. Where there is any dispute between the farmer and any creditor or between any two or more creditors concerning any question of fact or law that does not involve all parties interested in the proposal, the court may proceed with the hearing and give such directions as to the manner in which such question shall be decided as it sees fit or may adjourn the hearing until such question has been decided or until an appeal from any decision of the court thereon has been heard and determined.

32. Where the court makes an order declining to formulate a proposal the clerk of the court shall forthwith send a notice of the making of such order in form Q to the farmer and to each of the creditors and shall cause a notice of the making of such order in form Q to be filed with the Registrar of each appropriate Land Titles Office.

33. (1) A proposal formulated by the court shall be signed by the judge and shall be filed in the court.

(2) Upon the filing of a proposal formulated by the court the clerk of the court shall forthwith send a copy of the proposal by registered post to the farmer and to each of the creditors together with a notice in form P.

(3) The court may, at any time before confirmation of the composition, extension of time or scheme of arrangement contained in a proposal formulated by it, amend such composition, extension of time or scheme of arrangement without notice to the farmer or any of the creditors.

34. Where the court makes an order confirming a composition, extension of time or scheme of arrangement contained in a proposal formulated by it, or as amended by it, the clerk of the court shall forthwith send a notice of the making of such order in form Q together with a copy of the amendments, if any, to the composition, extension of time or scheme of arrangement contained in the proposal formulated by the court, by registered post to the farmer and to each of the creditors and shall forthwith cause a notice of the making of such order in form Q together with a copy of the composition, extension of time or scheme of arrangement confirmed by the court, certified by him to be a true copy, to be filed with the Registrar of each appropriate Land Titles Office.

35. Except in so far as these rules and regulations expressly otherwise provide or are inconsistent therewith, the general practice and procedure of the court in civil actions and proceedings is applicable in respect of any hearing or application before it under the Act.

Farmers' Creditors Arrangement Act.—continued

Manitoba

36. Where in the province of Manitoba the Official Receiver is a person other than the clerk of the court, the Official Receiver shall perform the duties of the clerk of the court under sections 21, 24, 32, 33, 34 and 40.

Carrying out of Proposal Stayed

37. No steps shall be taken or payments made to give effect to the terms of any composition, extension of time or scheme of arrangement approved or confirmed by the court until the time for appeal as hereinafter provided has expired or, if an appeal is taken from the order of the court approving or confirming such proposal, until the judgment of the Appeal Court has been given.

Appeals

38. (1) An appeal may be brought by the farmer or by a creditor by filing a notice in form R with the clerk of the court, which notice shall set out the reasons for the appeal and shall be filed,

- (a) if the appeal is from an order approving or confirming or refusing to approve or confirm a composition, extension of time or scheme of arrangement, within thirty days after the mailing of form M or form Q, as the case may be, to the farmer or the creditor; or
- (b) in the case of any other order or judgment of the court, within thirty days of the date thereof.

(2) The Judge of the Appeal Court may extend the time for filing a notice of appeal on application made, *ex parte*, either before or after the expiration of the time therefor fixed in this section.

39. Upon a notice of appeal being filed the judge of the court shall cause to be filed with the clerk of the court, in duplicate, the report required to be made by him by section 25 of the Act in respect of the judgment or order appealed from together with a certified copy of his notes of the evidence on the hearing pursuant to which such order or judgment was given.

40. When the notice of appeal and report have been filed with the clerk of the court, the clerk shall forward the notice of appeal, one copy of the judge's report and the record of all proceedings before the Official Receiver and before the court to the Registrar.

41. When he has received a notice of appeal and the judge's report and record of proceedings in connection therewith, the Registrar shall send by registered post to the farmer and the creditors a notice in form S.

42. The Registrar shall, if requested by the Judge of the Appeal Court, obtain on behalf of the Appeal Court an appraisal of the lands and farm of the farmer by an appraiser of land appointed under the Act.

43. Unless the judge of the Appeal Court otherwise orders, the Registrar shall give not less than twenty days' notice in form T by registered post of the time and place of the hearing of an appeal to such of the parties interested in the proposal or in any composition, extension of time or scheme of arrangement approved or confirmed pursuant to a proposal as may be affected by the appeal, the date of mailing to count as the first day of notice.

44. A certificate of the Registrar that notice has been given to all parties affected by the appeal shall be accepted as evidence that such notice has been given.

Farmers' Creditors Arrangement Act.—continued

45. The appellant shall not be required to furnish any appeal book nor shall any party to the appeal be required to file any factum.

46. A judgment of the Appeal Court shall be signed by the Registrar.

47. The Registrar shall cause a certified copy of a judgment of the Appeal Court to be filed with the Registrar of each appropriate Land Titles Office and to be sent by registered post to the clerk of the court appealed from together with the record of all proceedings before the Appeal Court in respect of the appeal.

Assignments and Receiving Orders

48. When an assignment is offered to the Official Receiver by a farmer, he shall satisfy himself that the assignor is a farmer residing within the county court district or judicial district in respect of which the Official Receiver has authority, and shall require the assignor to complete a preliminary short statement of his affairs in form V, whereupon the Official Receiver shall accept the assignment and complete the same by inserting therein as grantee his own name as trustee.

49. In the event of a receiving order being made against a farmer under subsection (3) of section 29 of the Act, the court shall appoint as custodian and trustee an Official Receiver having authority as such under the Act in the county court district or judicial district in which the farmer resides.

50. Whenever an assignment or receiving order has been made by or against a farmer, the Official Receiver shall advertise for creditors once in a local newspaper.

51. The administration of an estate of a farmer, who has made an assignment or against whom a receiving order has been made, by a trustee under the Act is subject to the same supervision by the Superintendent of Bankruptcy as estates being administered under the Bankruptcy Act.

52. In the case of an assignment or receiving order being made by or against a farmer, if a sufficient number of creditors are not present in person or by voting letter or proxy at the first meeting of creditors or at an adjournment thereof to hold a duly constituted meeting, or if an inspector or inspectors are not appointed thereat, the trustee, after fifteen days' notice in writing to the farmer of his intention to sell or dispose of the assets, may sell or dispose of the assets as he may deem expedient by tender, private or public sale.

53. Where assets are held as security by any creditor of a farmer who has made an assignment or against whom a receiving order has been made, and it is necessary for the trustee to provide for the care and maintenance of live-stock or to protect other assets, the trustee shall notify the secured creditor by any means to bring the fact thereof to the knowledge of the secured creditor and, if the secured creditor does not forthwith make provision or agree to reimburse the trustee for any expense incurred therefor, the trustee may do so, whereupon any costs or expenses incurred thereby shall be a first charge against such live-stock or assets in preference and priority to the claims of such secured creditor.

54. If the complete realization of the assets of a farmer who has made an assignment or against whom a receiving order has been made is likely to be unavoidably and unduly delayed, the Superintendent of Bankruptcy may require the trustee to prepare an interim statement of receipts and disbursements and to pay an interim dividend to the creditors.

Farmers' Creditors Arrangement Act.—continued

55. When the trustee of the estate of a farmer who has made an assignment or against whom a receiving order has been made has realized upon all the assets and settled all matters or claims in dispute he shall prepare forthwith a final statement of receipts and disbursements and a dividend sheet, in duplicate, and forward the same to the Superintendent of Bankruptcy for approval and, on the return thereof by the Superintendent duly approved, the trustee shall forthwith send to the creditors by registered post a copy of the statement of receipts and disbursements and of the dividend sheet, and a notice in form Y that on a date stated therein, not less than fifteen days from the mailing thereof, he will distribute the dividends if no objection is received before the date fixed therefor, and further that on a further date stated therein not less than twenty days thereafter he will apply to the Superintendent of Bankruptcy for his release.

56. Any creditor objecting to the final statement or dividend sheet, or to the conduct of the trustee in the administration of the estate, may forward objections in writing to reach the Superintendent of Bankruptcy and the trustee at least two days prior to the date fixed for consideration of the application of the trustee for his release; on consideration of such evidence as may be submitted in regard thereto by the creditor and the trustee and the evidence submitted in regard to the administration of the estate, the Superintendent of Bankruptcy shall either grant or withhold the release accordingly, subject nevertheless to an appeal to the court by the trustee or any objecting creditor within six days after receiving notice of the decision of the Superintendent of Bankruptcy.

57. Before the date fixed in the notice of intention to apply for his release the trustee shall forward to the Superintendent of Bankruptcy a copy of the notice in form Y, together with an affidavit verifying his administration in form Z and such further proof as the Superintendent of Bankruptcy may require that the dividends have been paid and that the estate has been fully and properly administered.

58. A release relieves the trustee from all further duties and obligations in regard to the estate, but does not preclude the trustee from taking possession of and administering any other assets that may not have been administered or that the farmer may acquire before he obtains his discharge.

59. Section 97 of the Bankruptcy Rules does not apply to any proceedings under the Act.

General

60. Where a party interested in a proposal is a corporation, it may appear and be heard by the court by its agent or employee.

61. The Official Receiver may in the case either of a proposal, assignment or receiving order apply to the court for directions.

62. Any application to the court by an Official Receiver may be made, *ex parte*, unless the court otherwise directs.

63. Where an application is made to the court under section 8, 13 or 38 of the Act, the court may give such directions as to service of notice of the application and as to the hearing of the argument in respect thereof as it deems necessary properly to dispose of such application or may, if it deems it expedient so to do, hear such application *ex parte*.

Farmers' Creditors Arrangement Act.—continued

64. The Official Receiver may in the case of a proposal require a creditor to furnish additional proof of his claim or to apply to the court summarily to prove his claim.

65. No bond or other security shall be required to be given by any Official Receiver in his capacity as custodian or trustee unless the Minister in any case or class of cases decides otherwise, and in such an event the Minister, for the benefit of the creditors, may require a bond to be given to him on behalf of one or all Official Receivers, and may fix the amount of any such bond.

66. No fee or disbursements other than those provided in the tariff set out in the Schedule is payable to an Official Receiver either in his capacity as such or as trustee or custodian.

67. The office of the Official Receiver shall be at such place as the Official Receiver fixes by the notice calling the meeting of creditors.

68. The Official Receiver shall in the case of every proposal forward to the Superintendent of Bankruptcy a completed copy of each of the forms A, B, C, E, F, J, K, and the farmer's proposal as and when the same is completed and shall furnish to the Superintendent of Bankruptcy any information required by him in connection with any or all proposals, assignments or receiving orders.

69. Any affidavit or statutory declaration required to be sworn or taken under the Act may be sworn or taken by an Official Receiver appointed pursuant to the provisions of the Act.

70. A proposal filed with an Official Receiver and a request that the court endeavour to formulate a proposal filed subsequent to a meeting of creditors called in consequence thereof shall not be refused consideration by the court or the Appeal Court only on the grounds that the record or any part thereof is contained on forms prescribed by the rules and regulations under The Farmers' Creditors Arrangement Act, 1934, and the said forms shall be deemed to be authorized by these rules and regulations.

71. A notice or certificate purporting to be signed by an Official Receiver, a clerk of the court or a Registrar is *prima facie* evidence for all purposes of any fact or facts certified to therein as correct without proof of the signature or of the appointment of the Official Receiver, clerk or Registrar by who it purports to have been signed.

72. A Registrar may issue a certificate under his hand authorizing the Registrar, District Registrar or other officer in charge of any Land Titles Office or other office wherein any registration, filing or deposit under The Farmers' Creditors Arrangement Act, 1934, or the Act has been made, to vacate, remove or release such registration, filing or deposit.

73. Where a debt owing by a farmer has not been disclosed at the time an order is made by the court or Appeal Court approving or confirming a composition, extension of time or scheme of arrangement, the creditor is entitled to be paid by the farmer on the same terms and conditions as other creditors of the same class as provided in the composition, extension of time or scheme of arrangement so approved or confirmed, except that where the creditor is not satisfied therewith he may make application to the court and the farmer is bound by the order of the court; but no order of the court shall treat the claim of any such creditor more favourably than

Farmers' Creditors Arrangement Act—concluded

the claims of similar creditors in the same class under the composition, extension of time or scheme of arrangement; in the event of any such application, the farmer and the Official Receiver and the other creditors shall be given at least five days' notice of the date and time of hearing of the application.

74. The Registrar shall, in so far as he is able to do so, furnish clerical or other assistance to the court or to the clerk of the court.

75. Documents and material required to be filed in the court or in any Land Titles Office in accordance with these rules and regulations may be filed by being sent by registered post to the clerk of the court or to the Registrar of such Land Titles Office for such purpose.

Schedule

Part I

Copies of forms in Part I of the Schedule may be obtained on application to the Director, Farmers' Creditors Arrangement Act, Department of Finance, Ottawa.

Part II—Fees

TARIFF OF FEES FOR OFFICIAL RECEIVERS UNDER THE FARMERS' CREDITORS ARRANGEMENT ACT

An arrangement may be made with the Official Receiver whereby he shall be remunerated by the following fees while he is acting as Official Receiver:

1. Proposals—

- (a) Composition, extension of time or scheme of arrangement arranged by Official Receiver and approved by court, inclusive of all expenses except postage, court filing fees, Land Titles fees and certificates as required under section 12\$ 40.00
- (b) Composition formulated by court or Appeal Court, inclusive of all expenses except postage, court filing fees, Land Titles fees and certificates as required under section 12 25.00

2. Assignments and Receiving Orders—

- (a) Fee for all services rendered by an Official Receiver as Official Receiver, custodian and trustee of a farmer's estate under the Bankruptcy Act 50.00
In addition, proper disbursements actually and necessarily incurred will also be allowed. Such fees and disbursements are to be paid out of the amount realized from the assets, where possible, otherwise the same will be paid by the Department.
- (b) Fee to trustee on application of debtor for a discharge where the administration was completed by a former trustee 10.00

TARIFF OF FEES FOR SOLICITORS UNDER THE FARMERS' CREDITORS ARRANGEMENT ACT

The tariff of costs in force in the court applies in all matters or proceedings under the Act for services rendered by a solicitor.

FEDERAL DISTRICT COMMISSION ACT (R.S.C., 1952, c. 112)

Federal District Commission Traffic and Property By-law

P.C. 1954-53

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 14th day of January, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the President of the Privy Council and pursuant to section 5 of the Federal District Commission Act, is pleased to approve the annexed By-law No. 32 regulating the operation of vehicles on driveways and other property of the Federal District Commission, made by the Commission on December 21, 1953, and which repeals the Commission's By-laws Nos. 26 and 31 of November 12, 1937 and July 10, 1947, respectively; and the said By-law No. 32 is hereby approved, accordingly.

BY-LAW NO. 32

BY-LAW OF THE FEDERAL DISTRICT COMMISSION REGULATING THE OPERATION OF VEHICLES ON DRIVEWAYS AND OTHER PROPERTY OF THE COMMISSION

Short Title

1. This by-law may be cited as the *Federal District Commission Traffic and Property By-law*.

Interpretation

2. (1) In this by-law,
- (a) "chauffeur" means any person who operates a motor vehicle and receives compensation therefor;
 - (b) "Commission" means the Federal District Commission;
 - (c) "driveway" means that part of the property under the control of the Commission designed and intended for or used for the passage of vehicles;
 - (d) "motor vehicle" means any vehicle capable of being propelled or driven otherwise than by muscular power;
 - (e) "operator" means the driver or the person who is in actual physical control of the vehicle;
 - (f) "park" means the standing of a vehicle, whether occupied or not, otherwise than momentarily or otherwise than under circumstances not under the control of the operator;
 - (g) "peace officer" means a peace officer as defined in the Criminal Code and any person authorized by the Commission to enforce or carry out the provisions of this by-law; and
 - (h) "vehicle" means a device in, upon or by means of which a person or property is or may be transported upon a highway, except any such device used exclusively upon stationary rails or tracks.

Federal District Commission Act—continued

(2) For the purposes of this by-law, a trailer is a separate vehicle and does not form part of the vehicle by which it is drawn.

(3) Nothing in this by-law shall be held to constitute a dedication of any driveway to the public.

PART I

Registration and Permits

3. No person shall operate a vehicle on a driveway unless

- (a) he holds all licences and permits that he is, by the laws of the province and municipality in which the driveway is situated, required to hold in order to operate the vehicle in that province and municipality, and
- (b) the vehicle is registered and equipped as required by the laws of the province and municipality in which the driveway is situated.

Compliance with Provincial and Municipal Laws

4. (1) No person shall operate a vehicle on a driveway otherwise than in accordance with the laws of the province and municipality in which the driveway is situated.

(2) In this section the expression "laws of the province and municipality" does not include laws that are inconsistent with or repugnant to any of the provisions of this by-law.

Traffic Direction and Control

5. (1) The operator of a vehicle or, in the case of a parked vehicle, the person in charge thereof shall, on any driveway, obey all reasonable instructions given to him by any peace officer, and the instructions of any traffic sign or device erected by the Commission applicable to such operator, person, vehicle or driveway.

(2) No person shall remove, alter or deface any traffic sign or device erected by the Commission except under the authority of the Commission.

(3) For the purposes of this by-law any traffic sign or device erected on property under the control of the Commission shall, unless the contrary is established, be presumed to have been erected by the Commission.

Speed Limit

6. Notwithstanding anything in this by-law, the maximum speed at which a vehicle may be operated on any driveway is thirty-five miles per hour.

Parking

7. (1) No person shall park a vehicle on a driveway or upon any property under the control of the Commission except in an area designated by a sign as an area in which parking is permitted, or except as expressly authorized by the Commission.

(2) Subject to subsection (1), no vehicle shall be parked or left standing on a driveway except in compliance with the requirements of the laws of the province and municipality in which the driveway is situated.

Federal District Commission Act—continued*Objectionable Vehicles*

8. (1) No person shall operate on any driveway any truck, tractor, milk, ice, grocer's or butcher's cart, delivery vehicle, express wagon, empty or loaded coal cart or other vehicle of like description, or any vehicle that by reason of appearance, condition, equipment, design or otherwise is likely to prove objectionable or hazardous to persons using the driveway or likely to prove injurious to the driveway, except with consent of the Commission.

(2) Subsection (1) does not apply to

- (a) any vehicle engaged in the delivery or collection of articles to or from any property adjoining a driveway in respect of which no other means of entry or exit exists, if such vehicle enters and leaves the driveway by the nearest intersecting street and is kept off the driveway during the hours between noon and midnight; or
- (b) any vehicle owned or operated by the Commission and engaged in the business of the Commission.

9. No person shall, without the consent of the Commission, operate or cause to be operated, upon any driveway or other property under the control of the Commission, any vehicle for the transportation of passengers for hire, except any such vehicle having a seating capacity of not more than seven persons, including the driver or chauffeur.

Reporting of Accidents

10. Every operator of a vehicle who is directly or indirectly involved in an accident on a driveway shall report the accident forthwith as required by the laws of the province in which the accident occurred and, if any property of Her Majesty or of or under the control of the Commission is damaged by the accident, shall forthwith report the accident to a member of the Royal Canadian Mounted Police or the person in charge, control or occupation of the property so damaged.

General Prohibitions

11. No person shall operate any vehicle on any property under the control of the Commission except upon the roadways set apart by the Commission for that purpose.

12. No person shall ride any horse or other animal on any property under the control of the Commission except upon the bridle paths and roadways set apart by the Commission for the purpose.

13. No person shall ride a bicycle on a driveway abreast of another bicycle, or any other vehicle, on such driveway.

14. No person shall race any vehicle, or any horse or other animal, or shout or use any blasphemous or indecent language, or behave in an offensive manner, upon any driveway or property under the control of the Commission.

15. No person shall throw, deposit or leave on a driveway any glass, nails, tacks, or scraps of metal or other material that may be injurious to the tires of vehicles using the driveway, or deposit ashes or other refuse thereon.

Federal District Commission Act—continued

Liability of Owner, Employer

16. (1) Where any vehicle is operated in contravention of the provisions of section 3 respecting licences and permits, the owner of the vehicle is liable to the penalties prescribed by this by-law for such contravention, unless at the time of such contravention the vehicle was operated by a person without the consent of the owner, expressed or implied.

(2) Where the employer of a chauffeur is present in the vehicle at the time of any contravention of this by-law by such chauffeur, the employer as well as the chauffeur is liable to the penalties prescribed by this by-law for such contravention.

PART II

Protection of Persons and Property

17. No person shall leave waste paper or other debris lying upon the ground or in any building or in any other place upon any property under the control of the Commission except in such places as are specifically designated for that purpose.

18. No person shall cut, break, injure, deface, defile or ill-use any building, fence, bridge, sign, light or other work, or any tree, shrub, plant, flower or turf, or any other property under the control of the Commission, or cause or permit the same to be done, or have possession of any tree, shrub, plant or flower, or any part thereof, taken from any property under the control of the Commission, without the authority of the Commission.

19. No person shall disturb or injure, or cause or permit to be disturbed or injured, any bird, bird's nest, bird's eggs or any squirrel or other animal within any property under the control of the Commission.

20. No person shall throw stones or other missiles or carry or discharge firearms, airguns, firecrackers, torpedoes, or fireworks, or make fires except in specifically designated places, on any of the property under the control of the Commission.

21. No person shall bathe in any waters under the control of the Commission except as permitted by the Commission, and no person shall make use of any property under the control of the Commission for the purpose of bathing in waters not under the control of the Commission except at such places as are specifically designated for such use.

22. No person shall sell or offer or expose for sale any drink, goods, or wares, or post or display signs, placards, flags, or advertising devices, or solicit subscriptions or contributions in any property under the control of the Commission without first obtaining permission in writing from the Commission so to do.

23. No person shall expose in any property under the control of the Commission any cards, dice, table, wheel or other device upon, with, or by which any game of chance or hazard may be played, and no person shall play any such game upon, with or by such device in any property under the control of the Commission.

Federal District Commission Act—concluded

24. No person shall play ball or any other game on any of the property under the control of the Commission except in such portions thereof as are specifically designated for such purpose.

PART III

Penalties

25. Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars, or in default of payment thereof to imprisonment for a term not exceeding two months.

Repeal

26. By-laws No. 26 and 31 of the Federal District Commission, dated March 7, 1938 and July 10, 1947 respectively, including all amendments thereto, are repealed.

FEEDING STUFFS ACT. (R.S.C., 1952, c. 113)

	Page
1. Analyses, fees payable	1296
2. Feeding Stuffs (General) Regulations	1298
3. Feeding Stuffs (Ministerial) Regulations	1304

1. Fees payable for analyses

Under and by virtue of the authority conferred upon me in the Feeding Stuffs Act, the Fertilizers Act and the Pest Control Products Act, I hereby rescind the fees for analyses made previously under these Acts and substitute the following therefor:

(a) Fees that may be paid for analyses:

For Antimony	\$ 6.00
For Antu	7.50
For Arsenic, total and water soluble, each	6.00
For Ash	2.00
For Azobenzene	5.00
For Barium	5.00
For Boron and compounds	6.00
For Brucine	7.50
For Calcium	4.50
For Carbon bisulphide	5.50
For Carbon tetrachloride	5.50
For Chlorates	5.00
For Chlordane	9.00
For Chlorides	5.00
For Chlorine, available	5.00
For Chromium	7.00
For Cobalt	10.00
For Copper	4.50

Feeding Stuffs Act—continued

For Cyanate	6.00
For Cyanides	6.00
For D.D.T. in solid concentrates and dusts	5.00
For D.D.T. in other formulations	9.00
For Dinitro-o-cresol	15.00
For Dinitro ortho cyclohexyl phenol	5.00
For Drugs in feeds (nitrophenide, enheptin, sulfa), each	10.00
For Fat, crude	4.50
For Fibre, crude	6.00
For Fineness	2.00
For Fluorine	7.50
For Formaldehyde	4.50
For Gamma isomer of benzene hexachloride	10.00
For Invert sugar	9.00
For Iodine	10.00
For Iron	4.50
For Lactose, in milk products	5.00
For Lead	6.00
For Magnesium, acid soluble, water soluble, each	6.00
For Manganese	7.50
For Mercury	6.00
For Metaldehyde	6.00
For Moisture	2.00
For Molybdenum	6.00
For Naphthalene	6.00
For Neutralizing value, limestone and other soil amendments	3.50
For Nickel	6.00
For Nicotine	6.00
For Nitrogen, total, water soluble, nitrate ammoniacal, each	4.50
For Nitrogen, available, neutral permanganate method	7.50
For Paradichlorobenzene	6.00
For Parathion	10.00
For Phenols, cresols and related compounds	7.50
For Phenothiazine	6.00
For Phosphorous	5.50
For Phosphoric acid, available and total, each	4.50
For Physical constants; flash point, viscosity, melting point, distillation range, refractive index, each	5.50
For Potash, water soluble	6.00
For Protein, crude	5.00
For Pyrethrins I and II	12.00
For Rotenone	12.00
For Salt, sodium chloride	5.00
For Silica and sesqui-oxides	5.00
For Silicofluoride	7.50
For Soap	6.00
For Specific gravity, hydrometer method	2.00
For Strychnine	7.50
For Sulfamate	10.00
For Sulphur, any form	6.00
For Tetrachlorethylene	12.00
For Thallium	5.50

Feeding Stuffs Act—continued

For Thiocarbamates	12.00
For Thiocyanates	6.00
For Toxaphene	9.00
For Two, 4-D in any formulation	7.50
For Two, 4-5-T	7.50
For Trichloracetate	6.00
For Unsulphonatable	6.00
For Urea	5.00
For Warfarin	10.00
For Zinc	6.50

(b) Provided that when three or more separate analyses are made respecting any one sample, the total fee for analyzing such sample shall be 20 per cent less than the total of the fees listed for the individual analyses.

JAMES G. GARDINER,
Minister of Agriculture.

Ottawa, 26th June, 1953.

2. Feeding Stuffs (General) Regulations

P.C. 1954-1835

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Agriculture and pursuant to section 14 of the Feeding Stuffs Act, is pleased to order as follows:

1. The Feeding Stuffs (General) Regulations, established by Order in Council P.C. 5295 of 18th October, 1949, as amended, are hereby revoked; and

2. The annexed "Feeding Stuffs (General) Regulations" are hereby made and established in substitution for the regulations hereby revoked.

THE FEEDING STUFFS (GENERAL) REGULATIONS

1. In these regulations,

(a) "Act" means the Feeding Stuffs Act;

(b) "chop feed" has the meaning that it has in section 2 (b) of the Act, and in the Act and these regulations includes the products of chopping, grinding or crushing mixed feed oats, number one feed screenings or number two feed screenings that are sold or offered for sale singly; and

(c) "Minister" means the Minister of Agriculture.

Feeding Stuffs Act—continued

2. Any chopped, crushed or ground grain sold or offered for sale as a feeding stuff or as an ingredient or constituent of a feeding stuff shall contain not more than the maximum limits of foreign matter allowed under the Canada Grain Act for the lowest numerical statutory grade of that kind of grain, or if a higher grade is stated, the maximum limits of foreign material shall not exceed those allowed for that higher grade by the said Act.

3. The limitation of tolerance for the purposes of Schedule A to the Act are as specified in Table 1 of the Schedule hereto.

4. Subject to section 6 of the Act, a by-product resulting from the milling of wheat for the production of flour may be used as a feeding stuff in combination with other materials when, in the opinion of the Minister, such combination

- (a) is appropriately named to indicate a specific nutritive purpose or classification; and
- (b) does not constitute an adulteration of the by-product.

5. For the purpose of determining the eligibility for registration of a mixed feeding stuff, or the propriety of any statement of the ingredients of a mixed feeding stuff, the Minister may require the manufacturer to submit a quantitative statement of any or all of the ingredients of such feeding stuff, but any information submitted to the Minister under this section shall be treated as confidential.

6. (1) Except as provided in subsection (2), or as the Minister may authorize in any specific case, every package of feeding stuff suitable for packaging in containers made of burlap, jute, cotton or paper, sold or offered or held in possession for sale in Canada, shall contain a net quantity of five pounds, ten pounds, twenty-five pounds, fifty pounds or one hundred pounds of such feeding stuff.

(2) Nothing in subsection (1) shall be deemed to prohibit

- (a) the use of any bag or container by a farmer for containing his own produce for sale or processing;
- (b) the use of any bag or container by a retailer selling in bulk and not as a unit any quantity of feeding stuff specified by a customer;
- (c) the use of any container for shipment of ingredients for feeding stuffs to a manufacturer of feeding stuffs where the product is not to be resold in such container;
- (d) the packaging of tonics or conditioners in packages containing a net quantity of less than five pounds;
- (e) the packaging of rolled or crimped unhulled oats or of oyster shell, clam shell or coquina shell or of any feeding material purported or commonly considered to be primarily a source of calcium or calcium and grit in packages containing a net quantity of eighty pounds; or
- (f) the packaging of feed flour in packages containing a net quantity of ninety-eight pounds.

7. (1) Every bag or package of bran, shorts, middlings, feed flour and wheat germ sold or offered or held in possession for sale in Canada as feeding stuff shall be labelled with the net weight of contents in addition to the requirements of subsection (2) of section 6 of the Act.

Feeding Stuffs Act—continued

(2) Subject to subsection (3) every bag or package of chop feed, hulled oats, hulled barley, cracked corn, and the whole seeds or grains of cultivated farm crops sold or offered or held in possession for sale in Canada as feeding stuff, shall bear a tag or label specifying

- (a) the name and address of the person who packaged the feeding stuff;
- (b) the ingredients contained therein; and
- (c) the net weight of the contents.

(3) Any person who bags or packages such feeding stuff from bulk for sale by himself at retail may, in lieu of complying with subsection (2) set forth on an invoice or bill of sale furnished to the purchaser at the time of sale, the information required by paragraphs (a) and (b) of subsection (2) and the number and total net weight of the packages covered by the sale.

8. (1) Every person who sells as a feeding stuff any limestone, marl, chalk, oyster shell, clam shell or other material purported or commonly considered to be primarily a source of calcium or calcium and grit shall on or before its delivery, provide to the purchaser by means of a label on each package or by a printed or written statement the following particulars:

- (a) when in bags or other packages, the name and address of the person who packaged the material or, when in bulk, the name and address of the seller;
- (b) the specific name of the material;
- (c) the minimum percentages by weight of calcium (Ca) and calcium carbonate (CaCO_3) respectively; and
- (d) the maximum percentage by weight of magnesium carbonate (MgCO_3) if in excess of five per cent.

(2) When used as an ingredient of a mixed feed, any material purported or commonly considered to be primarily a source of calcium may, if it contains not less than thirty-six per cent of calcium (Ca), be declared in the application for registration as "calcium carbonate."

9. (1) For the purposes of this section,

- (a) "mineral feed" means a mixed feeding stuff that supplies minerals for the nutrition of livestock but does not include
 - (i) feeding stuffs intended or represented primarily as complete or balanced mixed feeds or as protein-mineral or protein-mineral-vitamin supplements and which are required to be registered, pursuant to section 4 of the Act,
 - (ii) salt to which has been added one or more of the following, namely, a cobalt compound, a manganese compound, an iodine compound, a recognized iodine stabilizer and colouring matter, which colouring matter may be an iron compound,
 - (iii) any single ingredient feed to which has been added one or more of the following, namely a cobalt compound, an iodine compound, a recognized iodine stabilizer and colouring matter, which colouring matter may be an iron compound, or
 - (iv) any preparation for the treatment of disease or to aid recovery from disease or debility which preparation is represented for use only while such disease or debility persists, and any other preparation represented for temporary use for specified purposes which preparation, in the opinion of the Dominion Animal Pathologist, would usefully serve such purposes when used to supplement a balanced ration;

Feeding Stuffs Act—continued

- (b) "trace mineral feed" means a mixed mineral feed that is intended or represented as supplying mineral elements other than calcium, phosphorus and salt and which is labelled with the percentage content of such of the following as are purportedly present: iodine (I), iron (Fe), cobalt (Co), manganese (Mn) and copper (Cu).

(2) Every mineral feed shall contain only ingredients incorporated to supply calcium (Ca), phosphorus (P), salt (NaCl), iodine (I), iron (Fe), copper (Cu), manganese (Mn) or cobalt (Co), provided that

- (a) a mineral feed containing iodine may contain a recognized iodine stabilizer,
- (b) a mineral feed which is in block form may contain a binding agent of a kind and in a quantity acceptable to the Minister,
- (c) a trace mineral feed may contain a carrier of a kind and in a quantity acceptable to the Minister but for which no chemical claims shall be made,
- (d) any mineral feed may contain a dust control agent of a kind and in a quantity acceptable to the Minister.

(3) In the application for registration and on the package label the purpose of any ingredient incorporated into a mineral feed as a binding agent or a carrier or a dust control agent shall be clearly indicated.

(4) Apart from the statement of analysis and ingredients required by the Act no representations shall be made on the package label as to the value or need of mineral elements other than

- (a) a calcium, phosphorus, salt, iodine and cobalt in a mineral feed for cattle, sheep or horses,
- (b) calcium, phosphorus, salt, iodine, iron and copper in a mineral feed for swine, or
- (c) calcium, phosphorous, salt, iodine and manganese in a mineral feed for poultry.

(5) Every mineral feed intended or represented for feeding to cattle, sheep, horses or swine, other than a trace mineral feed, shall be eligible for registration only if it conforms to the specifications of Table 2 of the Schedule hereto, provided that

- (a) nothing herein contained shall require the use of salt in any mineral feed;
- (b) for each one per cent that the phosphorus content in a mineral feed for cattle, sheep or horses exceeds the minimum specified, the calcium content may be decreased by not more than one per cent;
- (c) such specifications shall not apply to a mineral feed for cattle, sheep or horses which is in block form and which contains a minimum of 4.5 per cent by weight of phosphorus.

(6) In the application for registration and on the package label the names of the kinds of livestock for which such mineral feed is intended shall be clearly indicated.

(7) Every mineral feed intended or represented for feeding to poultry, foxes, rabbits or mink which contains more than one ingredient shall be eligible for registration only if it is a trace mineral feed but a trace mineral feed may be represented for feeding to any kind of livestock.

(8) Every package of trace mineral feed shall be labelled with mixing directions which prescribe its use at not more than five pounds per ton

Feeding Stuffs Act—continued

in complete or ready to feed mixtures and not more than twenty pounds per ton in feed supplements containing 24 per cent or more of crude protein.

10. Every drum or package of any product purported or commonly considered to be primarily a vitamin A or vitamin D or both vitamin A and vitamin D supplement, sold or offered or held in possession for sale in Canada as feeding stuff, other than fish oils to be further processed or blended before use as, or for incorporation into, feeding stuffs, shall be labelled with the following particulars:

- (a) the name and principal address of the manufacturer, importer or seller possessing or assuming proprietorial rights to such product;
- (b) the brand name, if any;
- (c) the maximum percentage of free fatty acid expressed as oleic acid if in excess of two per cent at the time of distribution from the premises of the proprietor or his agent;
- (d) the specific name of every ingredient incorporated for its vitamin A and vitamin D content, and also of other ingredients, if any, as the Minister may direct, except that
 - (i) the name "blended fish oil" may be employed to designate a blend of oils from two or more kinds of fish, and
 - (ii) the name "cod liver oil" may be applied to oil from the livers of the cod family, including cod, haddock, hake, cusk and pollock; or
- (e) in lieu of the particulars specified in paragraph (d), a general nutritive designation acceptable to the Minister such as "Vitamin A and D Feeding Oil", or "Vitamin A and D Supplement", subject to the following provisions:
 - (i) such designation may be applied only to a product of guaranteed vitamin potency containing per gram at least 85 international units (I.U.) of vitamin D and 850 international units (I.U.) of vitamin A, when the said vitamins, respectively, are indicated or implied, and
 - (ii) the term "fortified" or other term of like purport shall not be applied to a fish oil which constitutes less than 75 per cent by weight of a named kind, nor to a product containing per gram less than 150 international units (I.U.) of vitamin D and 1,000 international units (I.U.) of vitamin A, when the said vitamins, respectively, are indicated or implied;
- (f) in the case of a product guaranteed as to vitamin A or vitamin D potency
 - (i) such potency expressed as a minimum number per gram of international units (I.U.): provided that for any product not specifically designated for mammalian use only, the method of assay for vitamin D shall be the chick assay method of either the Association of Official Agricultural Chemists (A.O.A.C.) or the British Standards Institute (B.S.I.); and
 - (ii) the laboratory control number and the month and year of guarantee;
- (g) in the case of a product not guaranteed as to vitamin A or vitamin D potency
 - (i) the word "untested", or if the product is a recognized source of both vitamins A and D but tested for one only of the said

Feeding Stuffs Act—continued

vitamins, the words “untested for vitamin A” or “untested for vitamin D”, as the case may be, such word or words to appear conspicuously in immediate association with the brand or name of the product; and

(ii) the month and year in which the drum or package was filled.

11. (1) For the purposes of section 20 of the Act, an inspector may cause any lot of feeding stuff to be held under detention at any premises by attaching a numbered detention tag to at least one package of the lot.

(2) Immediately after attaching such detention tag, the inspector shall deliver or mail to the owner or person in possession of the feeding stuff a duly completed form of notice of detention.

(3) No person shall alter, deface or destroy any such detention tag and no person shall remove such detention tag unless first authorized in writing by an inspector.

(4) No person shall tamper with, sell or offer for sale or move, allow or cause to be moved from such premises any such detained feeding stuff unless first authorized in writing by an inspector.

(5) Upon the release of a feeding stuff from detention, the inspector shall deliver or mail to the owner or person in possession of the feeding stuff a duly completed form of release.

Schedule

TABLE 1

TOLERANCES FOR MINERALS

Applicable to Feeds for which mineral guarantees are required in Schedule A to the Act

Mineral Item	Guaranteed Amount (as per cent by weight of the feed)	Permitted Tolerance not to exceed
Calcium (Ca), Phosphorus (P), and Salt (NaCl).....	Under 3 per cent.....	A deficiency or excess of 0.5 per cent of the feed
	3 per cent to 15 per cent inclusive	Subject to Notes 1 and 2, a de- ficiency or excess of 20 per cent of the guaranteed amount
	Over 15 per cent.....	Subject to Notes 1 and 2, a deficiency or excess of 3.0 per cent of the feed
Iodine (I), Iron (Fe), Cobalt (Co), Manganese (Mn), and Copper (Cu).....	All amounts.....	A deficiency of 20 per cent of the guaranteed amount; an excess limited to quantities likely to be injurious to the health of livestock

NOTE 1—In a mineral feed for swine, the minimum percentage of calcium (Ca) shall not be less than 5 times the percentage of phosphorus.

NOTE 2—In a mineral feed for cattle, sheep or horses, the maximum percentage of calcium (Ca) shall not exceed $2\frac{1}{2}$ times the percentage of phosphorus (P).

Feeding Stuffs Act—continued

TABLE 2

Specifications for Mineral Feeds under section 9(3) (a) of these Regulations

Mineral Item	Content or Proportion in Mineral Feeds for Feeding to	
	Swine	Cattle and/or Sheep and/or Horses
Minimum calcium (Ca) content—		
(a) in mixtures containing salt.....	22.5%	15.0%
(b) in mixtures containing no salt.....	30.0%	22.5%
Minimum phosphorus (P) content		
(a) in mixtures containing salt.....	nil	6.0%
(b) in mixtures containing no salt.....	nil	9.0%
Maximum proportion by weight of calcium (Ca) to phosphorus (P)	nil	2.5 to 1
Minimum proportion by weight of calcium (Ca) to phosphorus (P)	5 to 1	nil
Maximum salt (NaCl) content in mixtures containing salt.....	25.0%	33.0%
Minimum salt (NaCl) content in mixtures containing salt.....	20.0%	25.0%

3. Feeding Stuffs (Ministerial) Regulations

UNDER AND BY VIRTUE of the authority conferred upon me by the Feeding Stuffs Act, I hereby revoke all regulations previously made by me under the said Act and substitute the following therefor:

ROBERT H. WINTERS,
Acting Minister of Agriculture.

Ottawa, November 29, 1954.

THE FEEDING STUFFS (MINISTERIAL) REGULATIONS

1. In these regulations:

- (a) "Act" means the Feeding Stuffs Act;
- (b) "Minister" means the Minister of Agriculture; and
- (c) "Plant Products Division" means the Plant Products Division of the Production Service of the Department of Agriculture, Ottawa.

Registration

2. Where a feeding stuff that is required to be registered is to be marketed in more than one physical form, one application for registration of that feeding stuff may be made and one registration number may apply thereto, but any package containing such feeding stuff that is sold or offered for sale shall bear a label indicating the particular form of the feeding stuff contained therein.

3. A mixed feeding stuff that is required by the Act to be labelled with a guaranteed analysis setting forth the protein, fat and fibre content thereof, and that is one of the kinds or for one of the purposes specified in Table 1 of the Schedule hereto, is eligible for registration only if it is guaranteed as to minimum protein content at or above the level specified for such feeding stuff in the said Table.

Feeding Stuffs Act—continued

4. (1) In any application for registration of a mixed feeding stuff to which section 3 applies:

- (a) the term “laying mash”, “growing mash”, “breeder mash” or any term implying or suggesting a similar purpose, used without qualification, shall be construed to imply that the feeding stuff to which it relates is to be fed with scratch grains;
- (b) the term “fattening mash” or any other term implying or suggesting a similar purpose, used without qualification, shall imply that such feed is a complete feed; and
- (c) a fattening mash to be fed with milk, or an all-mash type of feed shall be so stated.

(2) Notwithstanding section 3 or subsection (1) of this section, a feeding stuff otherwise eligible for registration may be registered if the applicant establishes to the satisfaction of the Minister that there are special circumstances to warrant registration.

5. Where application is made to register a mixed feeding stuff the application shall set out the percentage content by weight of salt (NaCl) and wood-charcoal respectively, and the kind and percentage content by weight of grit where such are incorporated ingredients of the feed.

6. (1) No feeding stuff shall be registered under a brand or name that sets out as part of that brand or name the name of any ingredient or component of a mixed feeding stuff unless

- (a) the names of all the ingredients or components of the feeding stuff are also set out as part of the brand or name to be registered; or
- (b) the setting out in the brand or name of the name of such ingredient or component is accepted by the Chief of the Plant Products Division as conveying useful information to a person who uses or intends to use that feeding stuff.

(2) Where a feeding stuff contains one ingredient only, the name of the feeding stuff, other than the brand name, if any, shall be the name of that ingredient.

7. Where protein feeds identical as to kind are to be guaranteed by any manufacturer to contain different percentages of protein they are not eligible for registration unless the application for registration sets out

- (a) a different brand name for each protein level; or
- (b) the percentage of protein content as part of the brand or name.

8. (1) Where a mixed feeding stuff is represented as supplying protein or carbohydrates it is not eligible for registration unless

- (a) the application for registration indicates in the name of the feeding stuff or in direct association therewith
 - (i) the class of livestock for which it is intended; or
 - (ii) a general nutritive classification of the feeding stuff, (e.g. protein supplement, basal feed or roughage feed); and
- (b) the feeding stuff possesses the essentials in chemical and physical composition for the purpose or purposes indicated.

(2) Unless the applicant establishes that there are special circumstances to warrant registration, a mixed feeding stuff is not eligible for registration

Feeding Stuffs Act—continued

- (a) as a protein supplement, if it contains less than thirty per cent by weight of crude protein;
- (b) as a basal feed, if it contains more than eighteen per cent by weight of crude fibre; or
- (c) otherwise than as a roughage feed, if it contains more than eighteen per cent by weight of crude fibre.

9. A "registration year" with respect to any feeding stuff is the period of twelve months ending on the thirtieth day of September in any year.

Tags or Labels

10. (1) Except as provided in subsection (3), where the Act or regulations thereunder require any information to be shown on a label, tag or container, such information shall be printed conspicuously, legibly and indelibly in English or in French or in both English and French and, unless otherwise authorized by the Chief of the Plant Products Division, shall appear on one exposed face only of the container or tag.

(2) A label or tag does not comply with this section if any variation in the character, size or colour of the printing thereon emphasizes or obscures any part of the name, analysis or ingredients of the product to which the label or tag relates, or if it contains any objectionable or misleading information or mark.

(3) Salt or a mineral feed in block form is deemed to be properly labelled when the prescribed information is printed conspicuously and legibly on one side of the block.

11. When any feeding stuff is sold in bulk and not in a package or container labelled or tagged in accordance with the Act and regulations thereunder, the seller shall furnish to the buyer at or before delivery a written or printed statement setting out the information required by the Act and regulations thereunder to be set out on a tag or label where such feeding stuff is sold in a package or container, but this requirement does not apply when such feeding stuff is removed, in the presence of the buyer, from a package or container which is tagged or labelled in accordance with the Act and regulations thereunder.

General

12. (1) Except as provided in subsection (2), a feeding stuff that supplies or that is purported to supply protein, carbohydrates, fats or minerals shall not contain

- (a) more than one half of one per cent by weight or any or all of the materials listed in Table 2 of the Schedule hereto, but when screenings are sold or offered for sale singly they may contain not more than one per cent by weight of such materials and an additional one per cent by weight of wild mustard and hare's ear mustard seeds;
- (b) fluorine (F) in an amount likely to be deleterious to livestock and not exceeding the following proportions:
 - (i) 0.2 per cent by weight (2,000 parts per million) in any mineral which is represented for feeding direct to cattle or in any mineral mixture for cattle containing up to 9 per cent by weight of phosphorus;

Feeding Stuffs Act—continued

- (ii) 0·3 per cent by weight (3,000 parts per million) in any mineral mixture for cattle containing at least 9 per cent by weight of phosphorus;
- (iii) 0·027 per cent by weight (270 parts per million) in any protein-mineral supplement for cattle containing 24 per cent or more but not more than 30 per cent by weight of protein;
- (iv) 0·036 per cent by weight (360 parts per million) in any protein-mineral supplement for cattle containing more than 30 per cent by weight of protein; and
- (v) in any other feeding stuff containing less than 24 per cent by weight of protein
 - 0·009 per cent by weight (90 parts per million) for cattle,
 - 0·010 per cent by weight (100 parts per million) for sheep,
 - 0·014 per cent by weight (140 parts per million) for swine,
 - 0·035 per cent by weight (350 parts per million) for poultry;
- (c) damage from heat, must, mould or any other cause which would
 - (i) render it unfit for feed; or
 - (ii) make it unsafe for feeding in proportions commonly used, unless the feeding stuff is sold under such conditions as the Chief of the Plant Products Division may authorize in any particular case;
- (d) any product of animal, bird or fish origin that is not fresh or sound or that has not been cooked thoroughly at not less than boiling temperature;
- (e) any hoof, horn or hair of animals or feathers except in such amounts as are reasonably unavoidable in good factory practice;
- (f) any chaff or dust except as a declared ingredient or as a recognized tolerance in a declared ingredient; or
- (g) any other material in quantities likely to be deleterious to livestock.

(2) The provisions of paragraph (a) of subsection (1) do not apply to unground screenings, when labelled or invoiced as uncleaned screenings or refuse screenings.

13. No chopped, crushed or ground feeding stuff shall contain more than fifteen vital seeds per ounce of any or all of the weeds listed in Table 3 of the Schedule hereto.

Sampling

14. (1) Where any part of a feeding stuff is to be taken as a sample of that feeding stuff a part shall be taken that will fairly represent the bulk from which it is drawn.

(2) When the feeding stuff is in packages containing less than five pounds, one unbroken package or more may constitute the sample.

(3) When the feeding stuff is in bags or other large packages or in bulk or in the process of being packaged, approximately equal portions shall be taken from not less than five separate packages, or from five separate sections of the bulk or, if there are less than five packages in the lot, portions shall be taken from each of the packages and the portions so taken shall be thoroughly mixed together, but where the character of the feeding stuff or of its containers makes the foregoing procedure

Feeding Stuffs Act—continued

impracticable any other procedure that is fair and reasonable shall be followed, and in such a case the procedure that is followed shall be outlined in the statement accompanying the sample.

(4) When any appreciable portion of the feeding stuff that is to be sampled appears to be mouldy or otherwise damaged in a manner to affect its suitability for feeding purposes, separate samples shall be taken of the undamaged portions and the damaged portions.

(5) Samples shall be taken in duplicate and shall be of approximately equal quantities and of sufficient weight or volume to be satisfactory for analytical purposes.

(6) Duplicate samples shall be sealed in similar containers suitable for the purpose of preserving the condition of the feeding stuff so far as may be practicable; one sample shall be forwarded to an official analyst and the other shall be left with the seller or his representative or forwarded to him by registered mail.

15. Except as otherwise authorized by the Chief of the Plant Products Division the methods of chemical analysis to be employed in testing a feeding stuff shall be the latest methods published and approved by the Association of Official Agricultural Chemists of North America.

16. For the purposes of the Act and regulations thereunder feeding stuffs shall be designated by the names defined in Table 4 of the Schedule hereto, but where the name of a feeding stuff or ingredient thereof is not defined in Table 4 it shall be designated by a common name acceptable to the Chief of the Plant Products Division.

Schedule

TABLE 1

MINIMUM PROTEIN LEVELS FOR REGISTERED FEEDS UNDER SECTION 3

Kind or purpose of feed	Minimum level at which protein guarantee must be made
	Percentage
CATTLE FEEDS	
A. Complete or ready to feed—	
Cows on pasture.....	13
Dry and freshening cows.....	13
Growing calves.....	13
Pregnant heifers.....	13
Bulls in service.....	13
Fattening steers.....	13
Cows in milk.....	15
B. Supplements.....	24
C. Basal feeds.....	11

Feeding Stuff's Act—continued

Kind or purpose of feed	Minimum level at which protein guarantee must be made
SWINE FEEDS	
A. Complete or ready to feed—	
Pig starter.....	17
Pig starter-grower.....	16
Pig grower.....	15
Nursing and/or pregnant sows.....	15
Breeding gilts and boars.....	15
Hog finisher or fattener.....	13
B. Supplements—	
Starter and/or sow.....	35
General purpose.....	35
CHICKEN FEEDS	
A. Complete or ready to feed—	
1. Laying Mash—	
(a) Battery mash.....	14
(b) To be fed with scratch grains.....	16
2. Breeder or hatching mash.....	16
3. Chick starter mash.....	16
4. Broiler mash.....	17
5. Growing or range mash.....	15
6. Growing mash designated for confined birds.....	16
B. Supplements—	
1. Laying or general purpose.....	32
2. Breeder or hatching mash.....	32
3. Chick starter.....	32
4. Growing.....	30
5. Broiler.....	32
6. Fattening.....	32
Chicken and/or Turkey Feeds (Poultry Feeds)	
Fattening or fleshing mash—	
(a) Complete type.....	14
(b) For mixing with milk.....	12
TURKEY FEEDS	
A. Complete or ready to feed—	
1. Laying or breeder mash—	
(a) To be fed with scratch grains.....	18
(b) All mash type.....	15
2. Starting mash.....	24
3. Growing mash—	
(a) To be fed with scratch grains.....	18
(b) All mash.....	16
B. Supplements—	
1. Laying, hatching or breeder.....	35
2. Starter.....	35
3. Growing.....	35
DUCKS FEEDS	
Complete or ready to feed—	
1. Laying or breeder mash.....	15
2. Starting mash.....	15
3. Growing mash.....	15
4. Fattening mash.....	15

Feeding Stuff Act—continued

TABLE 2

Injurious materials under section 12 (1) (a).

Darnel (*Lolium temulentum* L.),
 Purple cockle (*Agrostemma githago* L.),
 Cow cockle (*Saponaria vaccaria* L.),
 Wild mustard (*Brassica species*),
 False flax (*Camelina species*),
 Wormseed mustard (*Erysimum cheiranthoides* L.),
 Stinkweed (*Thlaspi arvense* L.),
 Tumbling mustard (*Sisymbrium altissimum* L.),
 Hares ear mustard (*Conringia orientalis* (L.) Dumort),
 Ergotized grains.

TABLE 3

Weeds under section 13.

Bladder campion—*Silene cucubalus* Wibal.
 Blue weed—*Echium vulgare* L.
 Canada thistle—*Cirsium arvense* (L.) Scop.
 Chicory—*Cichorium intybus* L.
 Couch grass—*Agropyron repens* (L.) Beauv.
 Cow Cockle—*Saponaria vaccaria* (L.).
 Darnel—*Lolium* spp. other than *L. perenne* L. and *L. multiflorum* Lam.
 Dock—*Rumex crispus* L. and *Rumex obtusifolius* L.
 Dodder—*Cuscuta* spp.
 Downy brome—*bromus tectorum* L.
 False Flax—*Camelina* spp.
 Field bindweed—*Convolvulus arvensis* L.
 Field peppergrass—*Lepidium campestre* (L.) R.Br.
 Flixweed—*Descurania sophia* (L.) Wast.
 Forked catchfly—*Silene dichotoma* Ehrh.
 Halogeton—*Halogeton glomeratus*.
 Hoary alyssum—*Berteroa incana* (L.) D.C.
 Hoary cress—*Cadara draba* (L.) Desv.
 Johnson grass—*Sorghum halepense* (L.) Pers.
 Lamb's quarters—*Chenopodium* spp.
 Leafy spurge—*Euphorbia esula* L.
 Mustard, ball—*Neslia paniculata* (L.) Desv.
 Mustard, dog—*Erucastrum gallicum* (Willd.) O. E. Schulz.
 Mustard, hare's ear—*Conringia orientalis* (L.) Dumort.
 Mustard, tansy—*Sisymbrium incisum* Engelm.
 Mustard, tumbling—*Sisymbrium altissimum* L.
 Mustard, wild—*Brassica kaber* (DC) Wheeler, *B. juncea* (L.)
 Cosson, *B. nigra* (L.) Koch., *B. campestris* L.
 Mustard, wormseed—*Erysimum cheiranthoides* L.
 Night flowering catchfly—*Silene noctiflora* L.
 Ox-eye daisy—*Chrysanthemum leucanthemum* L.
 Perennial sow thistle—*Sonchus arvensis* L.
 Poverty weed—*Iva exillaris* Pursh.
 Purple cockle—*Agrostemma githago* L.
 Ragweed, common—*Ambrosia artemisiifolia* L.

Feeding Stuffs Act—continued

Ragweed, false—*Iva xanthifolia* Nutt.
 Ragweed, great—*Ambrosia trifida* L.
 Ragweed, perennial—*Ambrosia coronopifolia* J. & G.
 Red cockle—*Lychnis dioica* L.
 Redroot pigweed—*Amaranthus retroflexus* L.
 Ribgrass—*Plantago lanceolata* L.
 Russian knapweed—*Centaurea repens* L.
 Russian pigweed—*Axyris amaranthoides* L.
 Russian thistle—*Salsola kali* L.
 Stickweed—*Lappula echinata* Gilib.
 Stinkweed—*Thlaspi arvense* L.
 Toad flax—*Linaria vulgaris* Hill.
 White cockle—*Lychnis alba* Mill.
 Wild carrot—*Daucus carota* L.
 Wild radish—*Raphanus raphanistrum* L.
 Wintercress or yellow rocket—*Barbarea* spp.
 Yellow cress—*Roripa palustris* (L.) Bess.

TABLE 4

DEFINITIONS

Alfalfa, Legume and Grass Meal

For the purposes of these regulations,

- (a) "legume meal", "grass meal" or "legume-grass meal" is ground, unthreshed hay without the removal of leaves except as occurs naturally in hay making practice and without the addition of foreign material; it shall not contain more than .33 per cent of crude fibre;
- (b) the conditions governing the use of the term "alfalfa" shall apply in like manner when another species is named;
- (c) the general terms "legume" or "grass" may be used in lieu of named species and no species shall be named which constitutes less than 25 per cent of a mixture;
- (d) the term "dehydrated" may be prefixed to the name of any legume meal, grass meal or legume-grass meal, when the hay from which the meal was ground was dried rapidly by artificial heat;
- (e) "per cent" means per cent by weight.

Alfalfa Meal consists of at least 75 per cent of alfalfa.

Alfalfa Leaf Meal consists of at least 80 per cent of alfalfa leaves and shall not contain more than 18 per cent of crude fibre.

Alfalfa Stem Meal consists of alfalfa from which leaves have been intentionally separated or which contains more than 33 per cent of crude fibre.

Alfalfa-Grass Meal consists of at least 50 per cent of alfalfa and at least 25 per cent of grasses.

Legume-Grass Meal consists of at least 25 per cent of legumes and at least 25 per cent of grasses.

Grass Meal consists of at least 75 per cent of grasses.

Feeding Stuff Act—continued

ANIMAL PRODUCTS

Blood Meal is ground, dried blood.

Feeding Tankage is the wet-rendered or dry-rendered, or both, residues from animal or poultry tissues, suitable for feeding livestock and containing not less than 50 per cent of crude protein; it shall not contain more than 35 per cent of blood; if it is labelled with a name descriptive of its kind, composition or origin it shall correspond thereto; when wet-rendered it shall be tanked under live steam.

A product otherwise as defined but containing less than 50 per cent of crude protein shall be labelled *Feeding Meat and Bone Tankage* provided that nothing shall be labelled as Feeding Meat and Bone Tankage which contains less than 40 per cent of crude protein.

Meat Scrap or Meat Meal is the dry-rendered or open-kettle-rendered, or both, residues from animal or poultry tissues, suitable for feeding livestock, and containing not less than 50 per cent of crude protein; it shall be free from blood meal and shall contain only such traces of blood as may occur unavoidably in good factory practice; when it is labelled with a name descriptive of its kind, composition or origin it shall correspond thereto.

A product otherwise as defined but containing less than 50 per cent of crude protein shall be labelled *Meat and Bone Scrap or Meat and Bone Meal*, provided that nothing shall be labelled as Meat and Bone Scrap or Meat and Bone Meal which contains less than 40 per cent of crude protein.

Feeding Bone Meal is the dried, ground product containing not less than 10 per cent of phosphorus (P), free from objectionable odour and of a quality suitable for feeding, obtained from undecomposed bones which have been cooked to remove excess fat and meat.

Feeding Steamed Bone Meal is the dried, ground product containing not less than 12 per cent of phosphorus (P), free from objectionable odour and of a quality suitable for feeding, obtained from undecomposed bones which have been cooked with steam under pressure.

Bone Char or Bone Black is the product obtained by charring bones in closed retorts.

Animal Liver Meal is the product obtained by drying and grinding liver from slaughtered mammals.

Animal Liver and Glandular Meal is the product obtained by drying and grinding liver and other glandular tissue from slaughtered mammals.

Animal Fat is fat rendered from animal tissues of a quality suitable for feeding, and may contain an antioxidant approved by the Food and Drug Regulations or by the Chief, Animal Pathology Division, Canada Department of Agriculture.

BARLEY PRODUCTS

Barley Feed is the entire by-product resulting from the manufacture of pot or pearl barley from clean barley.

Barley Mixed Feed is the entire offal from the milling of barley flour from clear barley, and is composed of barley hulls and barley middlings.

Feeding Stuffs Act—continued

BEET PRODUCTS

Dried Beet Pulp is the dried residue from sugar beets which have been cleaned and freed from crowns, leaves and dirt, and from which sugar has been extracted.

BREWERS' AND DISTILLERS' PRODUCTS

Brewers' Dried Grains is the dried, extracted residue of barley malt and/or other cereal grain or grain products, resulting from the manufacture of wort.

Brewers' Dried Yeast is the dried non-fermentive non-extracted yeast obtained as a by-product in the process of brewing.

Malt Sprouts is the product obtained by the removal of the sprouts from malted barley together with the malt hulls, other parts of malt and foreign material unavoidably present. Sprouts derived from any other cereal shall be designated by the name of that cereal (e.g. rye malt sprouts).

Corn Distillers' Dried Grains is the dried residue obtained in the manufacture of alcohol and distilled liquors from corn or a grain mixture in which corn predominates.

Rye Distillers' Dried Grains is the dried residue obtained in the manufacture of alcohol and distilled liquors from rye or a grain mixture in which rye predominates.

Wheat Distillers' Dried Grains is the dried residue obtained in the manufacture of alcohol and distilled liquors from wheat, or from a grain mixture in which wheat predominates.

NOTE: The term "With Solubles" may be added to the name of Distillers' Dried Grains which contains the major portion of the condensed screened stillage dried therewith.

Semi-Solid Distillers' Solubles is the product obtained in the manufacture of alcohol and distilled liquors from grain or molasses by condensing to a syrup consistency the screened stillage obtained therefrom. When the source is indicated it shall correspond thereto.

Dried Distillers Solubles is the product obtained by drying semi-solid Distillers' Solubles. When the source is indicated it shall correspond thereto.

BUCKWHEAT PRODUCTS

Buckwheat Shorts or Buckwheat Middlings are the portions of the buckwheat grain immediately inside the hull, as separated from the flour.

COCOANUT PRODUCTS

Cocoanut Oil Meal or Copra Oil Meal is the ground residue after extraction of oil from the dried meat of the cocoanut.

CORN PRODUCTS

Corn Bran is the outer coating of the corn kernel, with little or none of the starchy part or the germ.

Corn Feed Meal is the fine particles sifted from ground or cracked corn.

Corn Grits or Hominy Grits are the fine or medium sized hard, flinty portions of sound Indian corn, with little or none of the bran or germ.

Feeding Stuffs Act—continued

Corn Gluten Feed is that part of commercial shelled corn that remains after the extraction of the larger part of the starch and germ by the processes employed in the wet milling manufacture of corn starch or corn syrup. It may or may not contain either corn solubles or corn oil meal.

Corn Gluten Meal is that part of commercial shelled corn that remains after the extraction of the larger part of the starch and germ, and the separation of the bran by the processes employed in the wet milling manufacture of corn starch or syrup. It may or may not contain either corn solubles or corn oil meal.

Maltose Process Corn Gluten Feed is the dried residue from degermed corn, after removal of the starch in the manufacture of malt syrup.

Hominy Feed is a mixture of the bran, germ and starchy part of corn as produced in the manufacture of pearl hominy, hominy grits or table meal, and shall contain not less than 5 per cent of crude fat. When prefixed with the words "white" or "yellow", the product shall be from corn of the colour indicated.

Corn Oil Cake is the residual product after extraction of oil from corn germ as separated in the wet milling process of manufacture of corn starch, corn syrup and other corn products.

Corn Oil Meal is ground corn oil cake.

Corn Germ Cake is the residual product after extraction of oil from corn germ with other parts of the corn kernel as separated in the dry milling process of manufacture of corn meal, corn grits, hominy feed and other corn products.

Corn Germ Meal is ground corn germ cake.

COTTONSEED PRODUCTS

Cottonseed Cake is a product of the cottonseed only, containing not less than 36 per cent of crude protein and composed principally of the kernel with such portion of the hull as is necessary in the manufacture of oil. If it be firm but not flinty in texture, of sweet odour, free from mould, and will produce a meal of prime quality, it may be designated "Cottonseed Cake, Prime Quality"; otherwise it shall be designated "Cottonseed Cake, Off Quality".

Cottonseed Meal is ground cottonseed cake. If it be finely ground, of sweet odour, reasonably bright in colour, yellowish, not brown nor reddish, and free from excessive lint, it may be designated "Cottonseed Meal, Prime Quality"; otherwise it shall be designated "Cottonseed Meal, Off Quality".

Cottonseed Feed is a mixture of cottonseed meal and cottonseed hulls, containing less than 36 per cent of crude protein.

Whole Pressed Cottonseed is the product resulting from subjecting the whole, sound, mature, clean, undercorticated cottonseed to pressure for the extraction of oil, and includes the entire cottonseed less the oil extracted and the lint removed.

Feeding Stuffs Act—continued

LINSEED AND FLAX PRODUCTS

Linseed Cake or Oil Cake is the residual products, after extraction of oil from commercially pure flaxseed. It shall not contain more than 0·5 per cent of acid insoluble ash; when the process employed in extracting the oil is designated, it shall correspond thereto.

When ground, it shall be labelled *Linseed Oil Meal, Oil Cake Meal or Linseed Oilcake Meal*.

Ground Flaxseed or Flaxseed Meal is the product obtained by grinding commercially pure flaxseed.

Unscreened Flaxseed Oil Feed Cake is the residual product after extraction of oil from flaxseed which is not of commercial purity. When ground it shall be so designated.

Screenings Oil Feed is the residual product after the extraction of oil from flaxseed screenings.

MARINE PRODUCTS

White Fish Meal is the clean, dried, ground residue, containing not more than 4 per cent of oil, from undecomposed, whole, non-fatty, white-fleshed fish, including cod, haddock, hake, rusk, pollock, skates and monkfish, and/or cuttings thereof.

Fish Meal is the clean, dried, ground residue, containing not more than 9 per cent of oil, from undecomposed, whole fish and/or fish cuttings.

Oily Fish Meal is the clean, dried, ground residue, containing more than 9 per cent of oil, from undecomposed, whole fish and/or fish cuttings.

Fish Residue Meal is the clean, dried, undecomposed residue from the manufacture of glue from non-oily fish.

Whale Meal is the clean, dried, ground residue after the extraction of oil from undecomposed whale flesh.

Cod Liver Meal is the clean, dried, ground residue after the extraction of oil from undecomposed livers of the cod.

NOTE: Any of the above defined marine products

- (a) which is designated as to the kind or type of fish employed in its manufacture shall correspond thereto,
- (b) shall be free from any solvent,
- (c) shall include the percentage of salt as part of the brand or name when the salt content exceeds 4 per cent by weight (e.g. Fish Meal 6 per cent Salt).

Condensed Fish Solubles is the product obtained by condensing the solutions from the hydraulic process of oil extraction from fish.

Cod Liver Oil is oil from the livers of the cod.

Herring Oil is oil from whole herring or parts thereof.

Menhaden Oil is oil from whole menhaden or parts thereof.

Pilchard Oil or Sardine Oil is oil from whole Pacific pilchard or sardine or parts thereof.

Salmon Oil is oil from salmon or parts thereof.

Salmon Liver Oil is oil from the livers of salmon.

Tuna Oil is oil from tuna or parts thereof.

Feeding Stuff Act—continued

OAT PRODUCTS

Oat Groats or Hulled Oats are oats with the hulls removed.

Oatmeal or Rolled Oats is hulled oats or particles therefrom, obtained in the milling of table cereals and containing not more than 2 per cent of crude fibre.

Oat Middlings is the by-product containing not more than 4 per cent crude fibre, obtained in the milling of table cereals from clean oats.

Oat Shorts is the by-product containing not more than 7 per cent of crude fibre, obtained in the milling of table cereals from clean oats.

Oat Feed is the by-product containing not more than 22 per cent of crude fibre, obtained in the milling of table cereals from clean oats.

Oat Hulls are the outer coverings of threshed oats and any by-product obtained in the milling of table cereals from clean oats and containing more than 22 per cent of crude fibre shall be designated as "oat hulls".

PEA PRODUCTS

Pea Bran is the coarse outer covering of threshed peas.

PEANUT PRODUCTS

Peanut Oil Cake is the residual product after the extraction of oil from peanut kernels.

Peanut Oil Meal is ground peanut oil cake.

Unhulled Peanut Oil Feed is the residual product after extraction of oil from whole peanuts.

Peanuts Skins is the thin red-brown outer covering of the peanut kernel exclusive of hulls and may contain broken peanut kernels.

Peanut Meal or Ground Peanuts is ground peanut kernels and may contain peanut skins not exceeding the proportions in which they occur naturally.

RICE PRODUCTS

Rice Bran is the pericarp or bran layer of rice, with only such quantity of hull fragments as is unavoidable in the regular milling of rice.

Rice Polish is the finely powdered material obtained in polishing rice kernels.

Rice Feed is the mill-run by-product obtained in the manufacture of polished rice from hulled rice, and consists of rice bran, rice polish and broken rice particles.

RYE PRODUCTS

Rye Bran is the coarse, outer covering of the rye kernel as separated in the usual process, other than scouring, of flour milling.

Rye Shorts consists of fine particles of bran, germ and a small proportion of low-grade or fibrous flour as separated in the usual processes of flour milling. It shall contain not more than 8 per cent of crude fibre.

Feeding Stuffs Act—continued

Rye Middlings consists of a small proportion of fine bran particles, germ and a large proportion of low-grade or fibrous flour as separated in the usual processes of flour milling. It shall contain not more than 4.5 per cent of crude fibre.

Rye Feed is the mill-run by-product separated in the usual processes, other than cleaning or scouring, of flour milling.

SCREENING AND SCOURINGS

No. 1 Feed Screenings consists of wild buckwheat and broken and shrunken grain and may contain small proportions of other seeds of feeding value and wheat scourings. It shall contain not more than 7 per cent of crude fibre, not more than 3 per cent of small weed seeds, chaff and dust combined, not more than 5 per cent of ball mustard, not more than 6 per cent of small weed seeds, chaff, dust and ball mustard combined, not more than 8 per cent of wild oats, and shall be cool and sweet.

No. 2 Feed Screenings is grain screenings with or without wheat scourings and containing not more than 11 per cent of crude fibre, not more than 3 per cent of small weed seeds, chaff and dust combined, not more than 10 per cent of ball mustard, not more than 10 per cent of small weed seeds, chaff, dust and ball mustard combined, not more than 49 per cent of wild oats, and shall be cool and sweet.

Uncleaned Screenings is grain screenings excluded from the preceding grades or classes because of the content of weed seeds, chaff or dust, but containing at least 35 per cent of material which, if separated, would classify as No. 1 Feed Screenings.

Refuse Screenings includes all classes of grain screenings excluded from the preceding grades or classes because of the content of weed seeds, chaff or dust.

PROVIDED THAT

- (a) whole (unground) screenings, when sold under certificate of class or grade issued by an inspector appointed under the provisions of the Canada Grain Act, may bear the class or grade designation indicated in such certificate;
- (b) screenings from small seeds, such as clovers and grasses, may be classified according to the crop seed from which obtained;
- (c) No. 1 Feed Screenings and No. 2 Feed Screenings shall not contain more than one per cent by weight of the materials listed in Table 2 of the Schedule hereto and an additional one per cent by weight of wild mustard and hare's ear mustard seeds;
- (d) small weeds seeds shall be those capable of passing through a $4\frac{1}{2}/64$ inch round perforation.

Scourings consist of such portions of the cuticle, brush, white caps and other materials as are separated from grain in the usual commercial process of scouring.

SOYBEAN PRODUCTS

Soybean Oil Cake or Soybean Oil Chips is the residual product after extraction of oil from soybeans.

Feedings Stuffs Act—concluded

Soybean Oil Meal is ground soybean oil cake or ground soybean oil chips.

WHEAT PRODUCTS

Bran is the coarse, outer covering of the wheat kernel as separated in the usual processes, other than scouring, of flour milling.

Shorts consists of fine particles of bran, germ and a small proportion of low-grade or fibrous flour as separated in the usual processes of flour milling.

Middlings consists of a small proportion of fine bran particles, germ and a large proportion of low-grade or fibrous flour as separated in the usual processes of flour milling.

Feed Flour consists of wheat starch and gluten with a very small proportion of fine bran particles and germ, as separated in the usual processes of flour milling.

Wheat Germ is the embryo with not over 25 per cent of other parts of the wheat kernel.

MISCELLANEOUS PRODUCTS

Defluorinated Phosphate is calcined, fused or precipitated calcium phosphate (rock phosphate or bone phosphate) containing not more than one part of fluorine (F) to 100 parts of Phosphorus (P).

Dried Fermentation Solubles is the product obtained by drying the liquid by-product resulting from the action of the ferment on the basic medium of grain molasses, whey or other material. When the source is indicated it shall correspond thereto.

Molasses is the by-product obtained in the process of manufacturing sugar and which contains not less than forty-eight per cent of sugar expressed as invert sugar or dextrose.

Mustard Seed Oil Meal is the ground residual product after extraction of oil from commercially pure mustard seed.

Rapeseed Oil Meal is the ground residual product after extraction of oil from commercially pure rapeseed.

Sunflower Seed Oil Meal is the ground residual product after extraction of oil from sunflower seed.

FERRIES ACT. (R.S.C., 1952, c. 114)

Regulations have been made by the Governor in Council for each international and interprovincial ferry operating under the Ferries Act, setting out in detail the rates and tolls to be charged, the requirements with respect to equipment, the hours and conditions of operating, etc. As such regulations are largely of local interest they have not been included in this Consolidation. A copy of the regulations governing the operation of any particular ferry may be obtained on application to the Secretary, Department of Public Works, Ottawa.

FERTILIZERS ACT. (R.S.C., 1952, c. 115)

	Page
1. <i>Analyses, fees payable</i>	1319
2. <i>Regulations under the Act</i>	1319

1. Fees payable for analyses

(see *Feeding Stuffs Act*, item 1 page 1296)

2. Fertilizer Regulations

UNDER AND BY VIRTUE of the authority conferred upon me by the Fertilizers Act, I hereby revoke all regulations previously made by me under the said Act and substitute therefor the following Fertilizer Regulations.

Dated at Ottawa this 8th day of December, 1954.

JAMES G. GARDINER,
Minister of Agriculture.

THE FERTILIZER REGULATIONS

Interpretation

1. In these regulations

- (a) "Act" means the Fertilizers Act;
- (b) "fertilizer" means any substance or material containing nitrogen, phosphoric acid or potash, in forms considered suitable for the nutrition of plants, but does not include the following materials when offered, sold, invoiced or delivered under their correct respective names as defined in section 3, and without expressing or implying any content of nitrogen, phosphoric acid, potash or other plant food:
Compost or gardener's compost, humus, leaf mould, manure, paunch manure, peat, street sweepings, slaughter-house refuse, fish or fish refuse, garbage, cannery or sugar beet refuse and other refuse or manure;
- (c) "inspector" means an inspector appointed under the Act;
- (d) "Minister" means the Minister of Agriculture;
- (e) "nitrogen" means atomic nitrogen (N);
- (f) "Official analyst" means an official analyst appointed under the Act;
- (g) "Phosphoric acid" means phosphoric anhydride (P_2O_5);
- (h) "Plant Products Division" means the Plant Products Division, Production Service, Department of Agriculture, Ottawa; and
- (i) "potash" means potassium oxide (K_2O).

Fertilizers Act—continued*Exceptions from the twenty per cent minimum plant food standard*

2. The fertilizers listed hereunder may be excepted from the standards prescribed in paragraph (a) of section 6 of the Act provided that they are commercially pure and contain not less than the percentages of plant foods set opposite their names as follows:

Basic slag	10%	total phosphoric acid
Bone meal or flour	1%	total nitrogen
	10%	available phosphoric acid
	18%	total phosphoric acid
Bone phosphate	16%	available phosphoric acid
	24%	total phosphoric acid
Bone tankage	3%	total nitrogen
	8%	available phosphoric acid
	15%	total phosphoric acid
Calcium nitrate	15%	water soluble nitrogen
Dried blood or blood meal	12%	total nitrogen
Dried blood and bone	6%	total nitrogen
	5%	available phosphoric acid
	11%	total phosphoric
Fish scrap or meal	6%	total nitrogen
	3%	total phosphoric acid
Fish, whale, or animal solubles .	5%	organic nitrogen
Kainit	12%	potash
Natural rock phosphate	25%	total phosphoric acid
Nitrate of soda	16%	water soluble nitrogen
Nitrochalk	16%	water soluble nitrogen
Organite	5%	organic nitrogen
Sheep, cattle, poultry or other animal manures	2%	total nitrogen
	1%	total phosphoric acid
	1%	potash
Superphosphate	18%	available phosphoric acid
Soybean meal	6%	total nitrogen
	8	6% nitrogen
Tankage or animal tankage ...	5 or	6% available phosphoric acid
	7	12% total phosphoric acid
Whale meat and blood	11%	total nitrogen
Whale meat and bone	5%	total nitrogen
	4%	total phosphoric acid.

Nomenclature of fertilizer materials and brand names

3. The following are the names that shall be used for commercially pure fertilizer material; any fertilizer material not defined by these regulations shall have a name approved by the Minister.

Nitrogen (N) Materials (inorganic)

(Ammonium phosphate, ammonium phosphate-sulphate, ammoniated superphosphate,—see phosphorus materials. Nitrate of potash,—see potash materials.)

Fertilizers Act—continued

(1) *Ammonium nitrate (nitrate of ammonia)* is chiefly the ammonium salt of nitric acid; it shall contain not less than thirty-one per cent nitrogen, one-half of which is in the ammonium form and one-half in the nitrate form.

(2) *Ammonium sulphate (sulphate of ammonia)* is chiefly the ammonium salt of sulphuric acid; it shall contain not less than twenty per cent nitrogen.

(3) *Ammonium sulphate nitrate* is a double salt of ammonium sulphate and ammonium nitrate which are present in equal molecular proportions; it shall contain not less than twenty-six per cent nitrogen, one-fourth of which is in the nitrate form and three-fourths in the ammonia form.

(4) *Anhydrous ammonia* is ammonia gas compressed to liquid form; it shall contain not less than eighty per cent nitrogen.

(5) *Calcium nitrate (nitrate of lime)* is chiefly the calcium salt of nitric acid; it shall contain not less than fifteen per cent nitrogen.

(6) *Nitrate of soda (sodium nitrate)* is chiefly the sodium salt of nitric acid; it shall contain not less than sixteen per cent nitrogen.

(7) *Nitrate of soda and potash (sodium and potassium nitrate)* is chiefly the sodium and potassium salts of nitric acid; it shall contain not less than fifteen per cent nitrogen and ten per cent potash.

(8) *Nitro-chalk (ammonium nitrate-lime)* is the product obtained by mixing ammonium nitrate with carbonate of lime; it shall contain not less than sixteen per cent nitrogen.

(9) *Nitrogen solutions (ammonia liquor, aqua ammonia)* are solutions treated with either ammonia or other nitrogen compounds or a mixture of these; they shall contain not less than twenty-three per cent nitrogen.

Nitrogen (N) Materials (organic)

(10) *Animal tankage (tankage)* is animal tissue and residue processed by wet or dry rendering or with solvents, dried and ground; it shall contain not less than six per cent nitrogen, six per cent available phosphoric acid and twelve per cent total phosphoric acid; or eight per cent nitrogen, five per cent available phosphoric acid and seven per cent total phosphoric acid; the guaranteed analysis shall be stated as part of the name. (Example: "6-12-0 tankage".)

(11) *Bone tankage* is animal tissue and bone from animals processed by wet or dry rendering or with solvents, dried and ground; it shall contain not less than three per cent nitrogen, eight per cent available phosphoric acid and fifteen per cent total phosphoric acid.

(12) *Cyanamid (calcium cyanamide)* is a commercial product consisting principally of calcium cyanamide (CaNCN) and carbon; it shall contain not less than twenty per cent synthetic organic nitrogen.

(13) *Dried blood (blood meal)* is the collected blood of slaughtered animals, dried and ground; it shall contain not less than twelve per cent nitrogen.

Fertilizers Act—continued

(14) *Dried blood and bone* is blood and bone from animals processed by wet or dry rendering or with solvents, dried and ground; it shall contain not less than six per cent nitrogen, five per cent available phosphoric acid and eleven per cent total phosphoric acid.

(15) *Fish scrap or meal* is fish tissue, bone and waste heated under live steam, dried and ground; it shall contain not less than six per cent nitrogen and three per cent phosphoric acid.

(16) *Fish, whale or animal solubles (or emulsion)* is the liquid from the processing of fish, whales or other animals and condensed to contain not less than five per cent organic nitrogen.

(17) *Organite* (or such trade name as may be approved by the Minister) is decomposed sewage or other organic matter, dried and ground; it shall contain not less than five per cent organic nitrogen.

(18) *Soybean Meal* is the ground residual product after extraction of oil from soybeans; it shall contain not less than six per cent nitrogen.

(19) *Urea* is the commercial synthetic acid amide of carbonic acid; it shall contain not less than forty-two per cent synthetic organic nitrogen.

(20) *Whale meat and blood* is the meat and blood of whale treated under live steam, dried and ground; it shall contain not less than eleven per cent nitrogen.

(21) *Whale meat and bone* is whale meat, bone and blood treated under live steam, dried and ground; it shall contain not less than five per cent nitrogen and four per cent total phosphoric acid.

Other Organic Materials

(22) *Compost, gardener's compost, humus, and leaf mould* are chiefly partly decayed homogeneous and friable mixtures of earth and organic matter and shall be as the name indicates.

(23) *Garbage* is animal or vegetable refuse from kitchens.

(24) *Garbage tankage* is the rendered, dried and ground product derived from waste household food materials.

(25) *Guano* is the natural unadulterated and ground excrement of sea birds and marine animals.

(26) *Hoof and horn meal* is processed dried, ground hoofs and horns.

(27) *Manure* is the excreta of animals or birds with or without litter; it shall be designated as to kind and condition. (Example: "Dried pulverized sheep manure," "barnyard manure.")

(28) *Paunch manure* is slaughter-house refuse and offal mixed with straw or other organic absorbent, containing no added water.

(29) *Peat* is partly decayed vegetable matter of natural occurrence; it is composed chiefly of organic matter that contains some nitrogen of low activity.

(30) *Slaughter-house, fish, cannery or sugarbeet refuse* is the primary refuse from these industries.

Fertilizers Act—continued

Phosphorus (P_2O_5) Materials.

(31) *Ammoniated superphosphate* is a product obtained when superphosphate is treated with ammonia or with solutions which contain ammonia and other compounds of nitrogen; the guaranteed analysis shall be stated as part of the name (Example: "3-18-0 ammoniated superphosphate.")

(32) *Ammonium phosphate* is a product obtained when phosphoric acid (H_3PO_4) is treated with ammonia and consists principally of mono-ammonium phosphate, di-ammonium phosphate or a mixture of these two salts; the guaranteed analysis shall be stated as part of the name (Example: "11-48-0 ammonium phosphate.")

(33) *Ammonium phosphate-sulphate* is a product obtained when a mixture of phosphoric acid (H_3PO_4) and sulphuric acid is treated with ammonia; it consists principally of a mixture of ammonium phosphate and ammonium sulphate; the guaranteed analysis shall be stated as part of the name (Example: "16-20-0 ammonium phosphate-sulphate.")

(34) *Basic slag* is a by-product in the manufacture of steel in blast furnaces; it shall contain not less than fourteen per cent available phosphoric acid and sixteen per cent total phosphoric acid with at least eighty per cent fineness; when the analysis is lower than that specified above it shall be named "low grade basic slag"; the percentage of the available phosphoric acid shall be stated as part of the name. (Example: "14% basic slag.")

(35) *Bone meal* is animal bone treated under live steam, dried and ground; it shall contain not less than one per cent nitrogen, ten per cent available phosphoric acid and eighteen per cent total phosphoric acid.

(36) *Bone phosphate* is animal bone freed of fat and collagen, dried and ground; it shall contain not less than sixteen per cent available phosphoric acid and twenty-four per cent total phosphoric acid.

(37) *Dicalcium phosphate* is a manufactured product consisting chiefly of di-calcic salt of phosphoric acid.

(38) *Calcium metaphosphate* is a vitreous product substantially free from crystalline phosphates, obtained by treating phosphate rock with gaseous phosphorus pentoxide at high temperatures; the guaranteed percentage of available phosphoric acid shall be stated as part of the name.

(39) *Fused calcium-magnesium phosphate* is a vitreous product substantially free from crystalline phosphates, obtained by the fusion of phosphate rock with magnesium silicate; the guaranteed percentage of available phosphoric acid shall be stated as part of the name.

(40) *Fused tricalcium phosphate* is obtained by the fusion of phosphate rock under conditions in which the resulting product is chiefly in the alpha form of tricalcium phosphate; the guaranteed percentage of available phosphoric acid shall be stated as part of the name.

(41) *Potassium metaphosphate* is a product composed chiefly of the crystalline compound represented by the formula (KPO_3); the guaranteed analysis shall be stated as part of the name. (Example: "Potassium metaphosphate 0-55-37.")

Fertilizers Act—continued

(42) *Natural rock phosphate* is a product of the mine; it shall contain not less than twenty-five per cent total phosphoric acid and ground to a fineness of at least eighty per cent.

(43) *Superphosphate* is a product obtained when natural rock phosphate is treated with either sulphuric acid, phosphoric acid, or a mixture of both acids; it shall contain not less than eighteen per cent available phosphoric acid; the percentage of available phosphoric acid shall be stated as part of the name. (Example: “20% superphosphate”; “45% superphosphate”).

Potash (K₂O) Materials

(Potassium metaphosphate—see phosphorus materials.)

(44) *Kainit* is a potash salt containing potassium and sodium chlorides and sometimes sulphate of magnesia with not less than twelve per cent potash.

(45) *Muriate of potash* is a potash salt containing not less than forty-eight per cent potash chiefly as chlorides; the percentage of the water soluble potash shall be stated as part of the name. (Example: “60% muriate of potash.”)

(46) *Nitrate of potash (potassium nitrate)* is chiefly the potassium salt of nitric acid; it shall contain not less than twelve per cent nitrogen and forty-four per cent potash.

(47) *Potash manure salts* are natural potash salts that contain not less than twenty-five per cent potash chiefly as chlorides.

(48) *Sulphate of potash* is a potash salt containing not less than forty-eight per cent potash chiefly as sulphate and not more than two point five per cent chlorine.

(49) *Sulphate of potash-magnesia* is a potash salt containing not less than twenty per cent potash chiefly as sulphate nor less than eighteen per cent sulphate of magnesia and not more than two point five per cent chlorine.

Brand Names

4. Unless otherwise authorized to meet special conditions in any specific case, brand names of fertilizers shall comply with the following requirements:

- (a) when a fertilizer consists of a single material, its brand name shall be as indicated in section 3. (Example: “20% sulphate of ammonia.”)
- (b) when a fertilizer consists of two materials each containing one and the same kind of plant food, nitrogen, phosphoric acid or potash, the brand name shall be confined to the names of both such materials as indicated in section 3; (Example: “basic slag and natural rock phosphate”, and the material contributing the highest percentage of plant food shall be stated first in the brand name);
- (c) when a fertilizer consists of a single material containing two or three of the plant foods, nitrogen, phosphoric acid and potash, its brand name shall be confined to the name of the material as indicated in section 3; (Example: “tankage”);

Fertilizers Act—continued

- (d) when a fertilizer consists of two or more materials containing different plant foods, the brand name shall not include the name of any one of the materials but shall include as a prefix or suffix to the brand name the abbreviated analysis of the fertilizer; such abbreviated analysis shall consist of three numerals separated by hyphens, the first numeral indicating the total nitrogen (N), the second indicating the available phosphoric acid (P_2O_5), and the third, the potash soluble in water (K_2O); (Examples: "5-10-10 (brand name)" or "(brand name) 0-12-12.");
- (e) an abbreviated analysis as referred to in paragraph (d) shall be regarded as sufficient for a brand name when used alone; and
- (f) The brand name shall not include the name or other designation of any florist, garden or field crop or group of crops, or type or types of soil, except in the case of tobacco fertilizers as follows: the brand name "tobacco fertilizer" may be used when the guaranteed analysis and the constituent materials of the fertilizer are accepted for registration as suitable for tobacco, and provided that an additional statement is made on each bag or package containing the fertilizer or on a label attached thereto, showing the amount, when present, of each of the following:

Nitrate nitrogen	%
Ammoniacal nitrogen	%
Organic nitrogen	%
Water Soluble magnesia (MgO)	lbs. per ton
Total magnesia (MgO)	lbs. per ton

Provided also that the content of Chlorine (Cl) in tobacco fertilizer shall not exceed three per cent for fertilizer containing thirty per cent plant food or less and four per cent for fertilizer containing more than thirty per cent plant food, unless authorized in writing by the Plant Products Division.

Registration

5. (1) The form of application for registration is as set forth in Schedule A.

(2) A duly appointed resident agent or representative of a non-resident applicant for registration shall file with the Minister, before signing any application by his principals for a registration, a declaration in the form set forth in Schedule B.

(3) No person or company shall be assigned the same brand name registered under the Act by another person or company nor a brand name that has been registered as applying to the merchandising of fertilizer under the Trade Marks Act.

(4) A registration or a renewal of registration shall not be permitted in advance of the fee being paid, and all cheques submitted as payment of the fee must be marked accepted by a bank and made payable to the Receiver-General of Canada.

Exemptions from Registration

6. For the purposes of paragraph (b) of section 9 of the Act, the following fertilizer chemicals are prescribed:

Ammonium phosphate	16% nitrogen (N) and 20% available phosphoric acid (P_2O_5)
Anhydrous ammonia	80% nitrogen (N)
Urea	40% nitrogen (N).

Fertilizers Act—continued*Information required on packages, tags and labels.*

7. (1) All the information required on packages, tags or labels shall be printed plainly, legibly and indelibly.

(2) When the fertilizer is sold in the Province of Quebec, the required information shall be printed in the French language on one side of the package or tag and in the English language on the other side.

(3) The required information shall not be marked or printed in any foreign language.

(4) The statement of guaranteed analysis required to be marked or printed on packages, tags and labels may include further information indicating the sources of the plant food, such as:

Nitrate nitrogen (N)	.....	per cent
Ammoniacal nitrogen (N)	.....	per cent
Organic nitrogen (N)	.....	per cent
Potash (K ₂ O) as sulphate	.....	per cent

(5) When a claim is made for any plant food substance or element in a fertilizer or other substance for any purpose, in addition to nitrogen, phosphoric acid or potash, the name of such substance or element and its quantity in the fertilizer, expressed in pounds per ton, shall be marked on the package containing the fertilizer or label attached thereto: provided that in the case of boron, copper, manganese, molybdenum and zinc such marking shall include additionally the phrase:

“Caution: This fertilizer contains
(name of ingredient)

and should be used only on crops or soils where experimental evidence has proved it to be beneficial. It may prove harmful when misused.”

(6) Fused and noncrystalline phosphate products shall be labelled with an adequate statement as to the size of particles, in terms of percentages of the total product which pass through standard sieves of stated sizes.

Other materials claimed to have beneficial properties

8. (1) Manufacturers, importers or vendors, prior to offering for sale a product which they claim to contain any substance or material subject to the provisions of paragraph (b) of section 6 of the Act, shall furnish the Plant Products Division with statements of all claims and samples of all advertising matter for use in connection with the sale of such product together with a representative sample of the product and its formula and chemical analysis.

(2) Each such product shall include every culture claimed to contain beneficial bacteria when used in crop production, every soil amendment (excepting agricultural lime) humus, peat, and similar natural organic materials, and materials containing any of the lesser plant foods such as boron, cobalt, copper, iron, magnesium, manganese, molybdenum, sodium, sulphur and zinc, or any hormone or vitamin or other substance for any purpose.

(3) Each container of a bacterial culture sold subject to the provisions of paragraph (b) of section 6 of the Act shall be marked with the date of its production.

Fertilizers Act—continued

Sampling and Official Samples

9. (1) When the fertilizer content of each package is less than five pounds in weight the entire package shall constitute the official sample.

(2) When official samples are taken from fertilizer in bulk or in a bag or other large package, the following method shall be used:

- (a) a bag trier shall be inserted face down to draw a representative quantity of the fertilizer;
- (b) a core or cores shall be removed diagonally from end to end through the bags lying horizontally;
- (c) when the lot of fertilizers consists of ten or less bags, a sample shall be taken from each bag;
- (d) when the lot of fertilizers consists of more than ten bags, a sample shall be taken from ten bags plus ten per cent of the number in excess of ten;
- (e) one core shall be taken from each bag sampled; provided that when the amount so taken does not weigh at least one pound, additional cores shall be taken so that the sample will contain at least one pound;
- (f) when the fertilizer is in bulk, not less than ten cores shall be drawn from different sections of the bulk;
- (g) the portions taken shall be thoroughly mixed on a clean, smooth surface, coned and divided by the methods known as quartering or riffing, and reduced if necessary by discarding one quarter or opposite quarters or one division from the riffle; the mixing and quartering or riffing shall be repeated until only sufficient material remains for the duplicate samples; two opposite quarters shall be placed in one container and the remaining quarters placed in another container, or the two divisions from the riffle be placed in two separate containers; and
- (h) each sample shall contain at least one pound and preferably two pounds.

(3) When the character of the fertilizer or of the package makes the procedure prescribed in subsection (2) impractical, any procedure that is reasonable in the circumstances shall be used, such procedure shall be set forth in a statement made by the person taking the sample, which shall accompany the sample.

Detentions

10. (1) For the purposes of section 20 of the Act, an inspector may cause any lot of fertilizer to be held under detention at any premises by attaching a numbered detention tag to at least one package of the lot.

(2) Immediately after attaching such detention tag, the inspector shall deliver or mail to the owner or person in possession of the fertilizer a duly completed form of notice of detention.

Fertilizers Act—concluded

(3) No person shall alter, deface, destroy or remove such detention tag or tamper with, sell or offer for sale or move, allow or cause to be moved from such premises any such detained fertilizer unless first authorized in writing by an inspector.

(4) Upon the release or disposal of the fertilizer, the inspector shall deliver or mail to the owner or person in possession of the fertilizer a duly completed form of release or the manner of disposal.

Tolerances

11. For the purposes of paragraph (d) of subsection (2) of section 10 of the Act, the limits of variability shall be for nitrogen (N), phosphoric acid (P_2O_5) and potash (K_2O) ten per cent of the amount guaranteed but not to exceed point seven five (.75) of one per cent singly or one (1) percentage unit of any combination up to thirty per cent guarantee and one point five (1.5) when over thirty per cent guarantee.

Methods of Analysis

12. The methods of examination and analysis employed under the Act shall be those last published as finally approved by the Association of Official Agricultural Chemists of North America (A.O.A.C.) or other methods approved by the Advisory Board under the Act.

Imported Fertilizers

13. (1) Every shipment or importation of fertilizer into Canada for any purpose shall be accompanied by a signed statement of the shipper or importer, made in duplicate and attached to the documents for customs purposes.

(2) The signed statement of the shipper or importer shall include the information prescribed and in the form set forth in Schedule C.

(3) The Collector of Customs at the port of entry shall forward one copy of the signed statement of the shipper or importer to the nearest district office of the Plant Products Division.

(4) Collectors of Customs may hold in bond any fertilizer until it conforms fully with the requirements of the Act and of these regulations, or refuse the importation of any fertilizer when advised by an inspector that it has not been registered as required by the Act or that its sale in Canada would be contrary to any of the provisions of the Act or any regulation made thereunder.

FORMS

Copies of the forms contained in Schedules A, B and C may be obtained on application to the Chief, Plant Products Division, Department of Agriculture, Ottawa.

FINANCIAL ADMINISTRATION ACT. (R.S.C., 1952, c. 116)

	Page
1. <i>Remission of duties on certain goods transhipped at foreign ports</i>	1329
2. <i>Destruction of securities</i>	1330
3. <i>Remission of certain taxes payable by members of the diplomatic and consular services</i>	1331
4. <i>Northwest Highway System, regulations respecting repair and recovery services</i>	1333
5. <i>Fees for steamship and radio inspections outside of Canada</i>	1334
6. <i>Investors indemnity regulations</i>	1334
7. <i>Domestic bonds of Canada regulations</i>	1336
8. <i>Fees for services of the Department of Secretary of State</i>	1350
9. <i>Government contracts regulations</i>	1350
10. <i>Tariff of charges, National Defence aerodrome facilities</i>	1358
11. <i>Public officers guarantee regulations</i>	1368
12. <i>Prevailing rate employees general regulations</i>	1371
13. <i>Ships' crews regulations</i>	1382
14. <i>Ships' officers regulations</i>	1391
15. <i>Schedules to the Act</i>	1400

1. Remission of duties on certain goods transhipped at foreign ports

P.C. 4282

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 15th day of October, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Treasury Board and pursuant to the provisions of section twenty-two of The Financial Administration Act, is pleased, hereby, to remit the customs duty and taxes on goods originating in countries enjoying the privileges of the British Preferential Tariff and not conveyed without further transshipment into a sea, lake or river port of Canada as required by section three of the Customs Tariff, but are transhipped at a foreign port owing to circumstances beyond the control of the importers, the remission in each case to be the difference between the duty and taxes properly payable under the British Preferential Tariff and those payable under the tariff which would apply to importations from the country in which the goods were transhipped, conditional on satisfactory evidence being supplied to the Department of National Revenue (Customs and Excise) that direct shipment was not possible.

Financial Administration Act—continued**2. Regulations for the Destruction of Securities**

P.C. 1953-829

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 26th day of May, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and by virtue of the powers conferred by section fifty-six of The Financial Administration Act, is pleased to order as follows:

1. The Regulations for the destruction of redeemed or cancelled securities of the Government of Canada, established by Order in Council P.C. 7589 of 1st October, 1943, as amended, are hereby revoked; and

2. The annexed "Regulations for the destruction of securities" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE DESTRUCTION OF SECURITIES

1. In these regulations,

- (a) "Bank" means the Bank of Canada acting in its capacity as Registrar and fiscal agent of the Government of Canada;
- (b) "destroyed" means destroyed by maceration or incineration; and
- (c) "securities" includes unissued securities and any document relating to any security.

2. All unissued, cancelled, paid or redeemed securities shall be held or destroyed by or under the direction of the Bank or such other person as the Minister may designate for the purpose but no securities shall be destroyed except in accordance with these regulations.

Destruction of Bonds

3. (1) Cancelled unissued bonds may be destroyed at any time.

(2) Redeemed bonds and bonds cancelled as a result of transfers and exchanges shall be held for at least one year after the date of redemption or cancellation and thereafter may be destroyed, but before they are destroyed a photographic record shall be made of the serial number and endorsement or assignment appearing on each registered bond to be destroyed upon which an endorsement or assignment appears.

Destruction of Coupons

4. (1) Subject to subsection two, paid coupons shall be held for at least six months after the date of payment thereof and thereafter may be destroyed.

(2) Paid coupons pertaining to a bond of the denomination of \$1,000 or less may be destroyed at any time.

(3) Matured coupons detached from bonds issued in connection with transfers or exchanges of bonds may be destroyed at any time.

Financial Administration Act—continued

Destruction of War Saving Certificates

5. (1) Redeemed War Saving Certificates shall be held for at least twelve and a half years after the date of issue thereof and thereafter may be destroyed.

(2) Unissued War Saving Certificates and War Saving Certificates cancelled as a result of transmissions or exchanges may, whenever subsection one does not apply, be destroyed at any time.

Destruction of Stamps

6. (1) War Saving Stamps of the First Series 1919 and Thrift Stamps of the 1920-22 issue that have been redeemed by the Department of Finance or by the Post Office Department may be destroyed at any time.

(2) War Savings Stamps of the 1940-46 issue that have been redeemed by the Post Office Department may be destroyed at any time.

7. A separate instrument of transfer of a registered security shall be held for at least one year from the completion of the transaction to which it relates and thereafter may be destroyed, but before being destroyed a photographic record thereof shall be made.

8. Before a security is destroyed the Bank or the person designated by the Minister to destroy such security shall inform the Auditor General of the proposed destruction, and notwithstanding anything in these regulations the Minister may direct that the destruction of the security shall be postponed for such further period as in his opinion is necessary to enable the Auditor General to make such examination or audit as he deems necessary or as the Minister may require.

3. Remission of certain taxes payable by members of the diplomatic and consular services

P.C. 1954-997

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 30th day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Treasury Board and pursuant to the powers conferred by section 22 of the Financial Administration Act is pleased, hereby, to revoke Order in Council P.C. 1954-773 of 27th May, 1954, relating to the remission of certain taxes payable by members of the diplomatic and consular services, and is pleased to remit and doth hereby remit,

Financial Administration Act—continued

(1) The taxes hereinafter specified payable under the Excise Tax Act on goods purchased by

- (a) the head of a diplomatic mission accredited to Her Majesty in Canada, upon written application signed by the head of the mission;
- (b) a high commissioner representing one of Her Majesty's Governments in Canada, upon written application signed by such high commissioner;
- (c) trade commissioners and assistant trade commissioners representing other countries in Canada whose country extends similar privileges to Canadian trade commissioners and assistant trade commissioners upon written application signed by such trade commissioners;
- (d) counsellors, secretaries and attaches at embassies, legations and high commissioners' offices in Canada whose governments accord similar privileges to Canadian officials holding corresponding posts in the countries represented by them, upon written application signed by the head of the mission or high commissioner; and
- (e) consuls general, consuls and vice-consuls of foreign nations in Canada when the countries they represent extend similar privileges to Canadian consuls general, consuls and vice-consuls, who are natives or citizens of the countries they represent and who are not engaged in any other business or profession, upon written application signed by such consuls general.

(2) The following taxes only be remitted:

- (a) *Under Part IV*
the excise tax on automobiles, cigarettes and manufactured tobaccos;
- (b) *Under Part V*
the excise tax on wines; and
- (c) *Under Part VI*
the consumption or sales tax on
 - (i) automobiles
 - (ii) cigars, cigarettes and manufactured tobaccos
 - (iii) ale, beer and stout
 - (iv) wines, and
 - (v) spirits

(3) Goods in respect of which sales or excise taxes are hereby remitted shall be subject to the said taxes at existing rates if sold or otherwise disposed of within a period of one year from the date of purchase and the vendor thereof shall be liable for such taxes.

(4) In the event of the decease or transfer from Canada of a person referred to in paragraph (1) before the expiration of one year, waiver of payment of sales and excise taxes on automobiles remitted under this Order may be authorized by the Minister of National Revenue on the recommendation of the Secretary of State for External Affairs.

Financial Administration Act—continued

4. Regulations *re* repair and recovery services, Northwest Highway System

P.C. 1954-1287

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Treasury Board, pursuant to section 18 of the Financial Administration Act and subject to the provisions of the National Defence Act, is pleased to make the following regulation respecting repair and recovery services rendered to privately-owned vehicles by the Canadian Army vehicle repair and recovery organization of the Northwest Highway System, and it is hereby made and established, effective July 1, 1954, accordingly.

1. Where repair and recovery services on the Northwest Highway System are required for privately-owned vehicles and adequate civilian repair and recovery services are not available, those services may be extended by the Army vehicle repair and recovery organization, if in the opinion of the General Officer Commanding Western Command or the Commander, Northwest Highway System, those services will not adversely affect the carrying out of the normal duties of the organization.

2. The rate of charge for repair and recovery services provided in respect of privately-owned vehicles shall be as follows:

- (a) Minor repairs—Labour—\$4.00 per hour
 - Parts—in accordance with current vocabulary prices plus 50%.
 - Travel by Army Vehicle—20c per mile.
- (b) Recovery—Use of recovery equipment excluding travelling time—\$15.00 per hour.
 - Travel by recovery equipment—50c per mile.
 - Recovery mechanic—\$4.00 per hour.

3. All sums collected for repair and recovery services provided in respect of privately-owned vehicles shall be deposited to the credit of the Receiver General of Canada.

4. In no case shall any officer, man or other person purport to assume any liability on behalf of the Crown for any accident, damage or loss whatsoever, which may be directly or indirectly occasioned by or in consequence of the provision of repair and recovery services in respect of privately-owned vehicles.

Financial Administration Act—continued**5. Fees for steamship and radio inspections outside of Canada**

P.C. 1954-1480

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 30th day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and being of opinion that the cost of the services referred to hereunder should be borne by the persons to whom they are provided, is pleased, hereby, pursuant to section 18 of the Financial Administration Act, to make the following regulation:

A fee of ten dollars a day or any part thereof shall be charged the owners of ships, in respect of inspections made by steamship inspectors or by radio inspectors under and pursuant to the provisions of the Canada Shipping Act, when such inspections take place outside of Canada, and such fee shall be additional to any other fees and charges payable in respect of such inspections.

6. Investors Indemnity Regulations

P.C. 1954-1500

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Financial Administration Act, is pleased to order as follows:

1. The Investors' Indemnity Regulations, established by Order in Council P.C. 3264 of 6th June, 1952, are hereby revoked; and
2. The annexed "Investors' Indemnity Regulations" are hereby made and established in substitution for the regulations hereby revoked.

INVESTORS' INDEMNITY REGULATIONS

1. These regulations may be cited as the *Investors' Indemnity Regulations*.

2. (1) Every claim for payment out of the Investors' Indemnity Account in respect of a loss sustained by a person (hereinafter called the "subscriber") who has paid all or part of the purchase price of a security

Financial Administration Act—continued

but has not received the security or repayment of the amount so paid, or in respect of a loss sustained by a person in the redemption of securities including, but without limiting the generality of the foregoing, every claim

- (a) by a person who has made a payment on account of the purchase price of a security to the Receiver General or a person duly authorized to accept subscriptions for securities on behalf of Her Majesty, and has not received the security or a satisfactory accounting or repayment of the amount that he has so paid,
- (b) by a person in respect of securities forwarded in the mail to the Bank of Canada or a department or public officer for redemption and for which the person entitled to receive payment has received no payment,
- (c) by a redemption agent, other than the Bank of Canada, for a loss incurred in the redemption of Canada Savings Bonds or War Saving Stamps where the loss does not arise from the fault or negligence of the redemption agent or a person under his supervision and control, or
- (d) for principal, accrued interest or premium in respect of a security issued in exchange for another security, which has not been received by the owner thereof,

shall be submitted to the Minister of Finance, accompanied by a statement of the relevant facts.

(2) No payment out of the Investors' Indemnity Account in respect of a claim submitted under subsection (1) shall be made until the claim has been investigated by an officer of the Department of Finance or such other person as the Minister of Finance may designate.

(3) Where the Minister of Finance, after reviewing a claim submitted under subsection (1) accompanied by a statement of the relevant facts and a report of the investigation in respect of such claim required under subsection (2), decides that a payment is to be made in respect of the claim, the amount of the payment as determined by the Minister shall be paid to the claimant or his legal representatives or such other person as the Minister decides, but no payment in excess of five thousand dollars shall be made except with the prior approval of the Treasury Board.

3. Where a claim for payment out of the Investors' Indemnity Account is made in respect of a loss suffered by a subscriber

- (a) who has paid an amount on account of the purchase of a security to a person authorized to receive subscriptions for securities, or
- (b) whose employer has, out of amounts payable to the subscriber, retained an amount to be used to purchase a security for the subscriber or his nominee,

no payment shall be made out of the Investors' Indemnity Account unless the subscriber or his legal representative executes an assignment in favour of Her Majesty of all his claims in respect of the amount so paid or retained and of the said security.

4. An annual statement of the payments out of the Investors' Indemnity Account and the recoveries credited to the Account in each fiscal year shall be submitted to the Treasury Board within sixty days after the end of the fiscal year.

Financial Administration Act—continued**7. Domestic Bonds of Canada Regulations**

P.C. 1954-1720

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the powers conferred by the Financial Administration Act, is pleased to order as follows:

1. The Regulations respecting Domestic Bonds of the Government of Canada, established by Order in Council P.C. 2162 of 10th April, 1952, as amended, are hereby revoked; and

2. The annexed "Regulations respecting Domestic Bonds of the Government of Canada" are hereby made and established, in substitution for the regulations hereby revoked.

**REGULATIONS RESPECTING DOMESTIC BONDS OF THE
GOVERNMENT OF CANADA****SHORT TITLE**

1. These regulations may be cited as the *Domestic Bonds of Canada Regulations*.

Part I**INTERPRETATION**

2. (1) In these regulations,

(a) "Bank" means the Bank of Canada;

(b) "bond" means a bond, debenture, note, savings certificate or other like security payable in money of Canada issued by or on behalf of the Government of Canada under the authority of an Act of the Parliament of Canada or of these regulations or of any regulations for which these regulations have been substituted; and

(c) "registered owner"

(i) of a bond registered as to principal, means a person whose name has been entered by the Bank in the register as the person to whom the principal is payable, and

(ii) of a bond registered as to principal and interest, means the person whose name has been entered by the Bank in the register as the person to whom the principal and interest are payable.

(2) Where under these regulations any act is required to be done by the Bank or is effective if done by the Bank, the act is deemed to have been done by the Bank for the purposes of these regulations if it has been done by an officer or employee of the Bank acting in the course of his duties as such or by a person authorized by the Bank to do that act on behalf of the Bank.

Financial Administration Act—continued

(3) Where under these regulations the Bank is required to or may do an act if it is satisfied or has formed an opinion in respect of any matter, or if any events appear to the Bank to have occurred, it is sufficient for the purposes of these regulations if the appropriate officer or employee of the Bank satisfies himself or forms the opinion or the events appear to him to have occurred.

APPLICATION

3. These regulations apply in respect of all bonds except insofar as they are inconsistent with the terms of the bonds.

REGISTRAR

4. (1) The Bank shall maintain a register of bonds in accordance with these regulations.

(2) The Bank shall, in accordance with these regulations, register bonds, discharge the registration of bonds and give effect to transfers of bonds as may be required from time to time and may, subject to the terms upon which the bonds are issued, issue such bonds as may be required for these purposes or to give effect to the terms of outstanding bonds or these regulations.

(3) Any duty, power or discretion imposed or conferred upon the Deputy Minister of Finance by the terms of bonds, that was imposed or conferred upon the Bank of Canada by Order in Council P.C. 5938 dated the 25th day of October, 1940, continues to be imposed and conferred upon the Bank and anything done by the Bank as registrar of bonds in accordance with these regulations or any other regulations or laws applicable thereto continues to be and is as valid and effectual for all purposes as if done by the Deputy Minister of Finance.

(4) The Bank may authorize a person to act on its behalf for any of the purposes of these regulations, and where the person so authorized is a corporation, its appropriate officers or employees shall be deemed to be authorized to act on behalf of the Bank.

REGISTRATION

Manner of Registration

5. (1) Where a person is to be registered as owner of a bond

(a) as to principal, the Bank shall enter in the register, the particulars of the bond, and the name of the person to whom the principal is payable, or

(b) as to principal and interest, the Bank shall enter in the register the particulars of the bond, and the name and post office address of the person to whom the principal and interest are payable.

(2) Where the names of two or more persons are to be entered in the register as owners of a bond as to principal and interest there shall be indicated by the owners only one address that is to be entered in the register which address shall be the registered address of all those persons for all purposes relating to the bond.

Effect of Registration

6. (1) Where, in accordance with these regulations, the name of a person has been entered in the register by the Bank as owner of a bond as to principal or as to principal and interest, the entry in the register shall

Financial Administration Act—continued

except as otherwise provided in these regulations, be conclusive evidence as against the Government of Canada that that person is owner of that bond.

(2) Where, in accordance with these regulations, the name of a person is entered in the register as owner of a bond as to principal and interest, the interest on that bond is payable by a cheque negotiable at any branch in Canada of a bank incorporated under the *Bank Act*.

(3) Where the names of two or more persons without the words, "and survivor", are entered in the register as owners of a bond and one of the persons dies, his rights under the bond are not vested in any other such person or persons on his death by reason of survivorship.

(4) Notwithstanding that the name of a person is entered in the register as owner of a bond as to principal, the coupons attached to the bond are payable to bearer and when detached are transferable by delivery.

7. (1) Where a bond is issued or registered, such issue or registration shall be deemed to be valid notwithstanding that

- (a) the issue or registration takes place in error in circumstances in which such issue or registration is not authorized by these regulations, or
- (b) the issue or registration takes place pursuant to an instrument of transfer in which the signature of the transferor has been forged or pursuant to a forged instrument purporting to authorize a person to act on behalf of or in the place of a registered owner as provided for in section 15,

but nothing in this section shall be deemed to affect the rights or liabilities of any person by reason of the forged instrument.

(2) Where in error a bond is issued or registered in circumstances in which such issue or registration is not authorized by these regulations and the bond has been delivered, the person receiving the bond or registered as owner shall not be entitled as against the Government of Canada to any payment under the bond but shall be liable to return the bond and all coupons attached to it at the time it was delivered to him and if he fails to do so he shall be liable to pay to the Bank the market value of the bond together with an amount equal to any amounts paid to him by way of interest on the bond.

(3) Where a person mentioned in subsection (2) fails to return matured coupons to the Bank he shall be deemed to have received payment of the redemption value of the coupons.

Entries in Bonds

8. Where the name of a person has been entered in the register by the Bank as owner of a bond

- (a) registered as to principal, the Bank shall enter his name in the bond as the person to whom the principal is payable, or
- (b) registered as to principal and interest, the Bank shall enter his name in the bond as the person to whom the principal and interest are payable.

9. No entry in a bond of the name of any person as the person to whom the principal is payable or the principal and interest are payable made by a person other than the Bank is effective to confer any right under or interest in the bond.

Financial Administration Act—continued

10. No alteration or erasure of the name of any person entered by the Bank in a bond as the person to whom the principal or principal and interest are payable is effective to confer any right under the bond on any other person or to deprive the person whose name was entered by the Bank of any rights that he may have under the bond.

11. Where a person applies to be registered as owner of a bond and the bond is delivered to him without his name being entered in it by the Bank the bond shall be deemed to be validly issued and unless he returns the bond to the Bank to have his name so entered, he shall be deemed to have accepted the bond in satisfaction of his rights as registered owner and the entry, if any, in the register shall be cancelled by the Bank.

TRANSFER OF BONDS BY REGISTERED OWNERS

12. (1) Except as otherwise provided by the terms of the bond a registered bond may, in accordance with sections 13 to 18, be transferred on presentation of the bond and of an instrument of transfer in accordance with these regulations.

(2) Where subsection (1) has been complied with, the Bank may give effect to the instrument of transfer in accordance with its terms.

(3) The execution of an instrument of transfer does not transfer or confer any right under the bond against the Government of Canada or the Bank until the Bank has given effect to the instrument by making the appropriate entry in the register.

Form and Execution of Instrument of Transfer

13. (1) An instrument of transfer shall be in Form A.

(2) An instrument of transfer may be executed

(a) by being signed by the registered owner or his personal representative;

(b) where the registered owner is a corporation, by being signed by its duly authorized officers and by affixing the seal of the corporation, if any, where required;

(c) by being signed by a person authorized in that behalf by the registered owner under a power of attorney or partnership agreement;

(d) where an unincorporated association not being a partnership is registered as owner of a bond, by being signed by the duly authorized officers of the association; or

(e) by being signed by a person authorized by law to execute it on behalf of the registered owner.

(3) For the purposes of these regulations a person authorized by law to execute an instrument of transfer on behalf of a registered owner means any person appointed by a competent court or by statute to act on behalf of or in the place of the registered owner and includes a trustee in bankruptcy.

Guarantee of Signature

14. (1) The Bank is not required to give effect to an instrument of transfer unless the signature on the instrument of transfer is guaranteed by

(a) a bank incorporated under the *Bank Act* or the *Quebec Savings Banks Act*, or

(b) a financial institution approved by the Bank under this section.

Financial Administration Act—continued

(2) The Bank may approve a financial institution for the purposes of this section and section 15 and may impose terms and conditions in connection with its approval and limit the amount of the bonds to be transferred in any one transaction with respect to which the guarantee of the institution will be accepted by the Bank and may revoke or vary any approval so given.

*Evidence or Guarantee of Authority to Execute
Instrument of Transfer*

15. (1) Except as provided in subsections (2) and (3), where an instrument of transfer purports to have been signed by a person acting as an officer of a corporation registered as owner of a bond or by a person acting for or on behalf or in the place of the registered owner or as the personal representative of a deceased registered owner, the Bank is not required to give effect to it unless the resolution, power of attorney, partnership agreement, probate of a will, letters of administration or other document authorizing or evidencing the authority of the person so to act or a notarial or other authenticated copy of it acceptable to the Bank has been deposited with the Bank.

(2) The Bank may give effect to an instrument of transfer signed by a person mentioned in subsection (1) if a bank incorporated under the *Bank Act* or the *Quebec Savings Banks Act* or a financial institution approved by the Bank, in addition to guaranteeing his signature, has also guaranteed his authority to execute the instrument for or on behalf or in the place of the registered owner, the guarantee being in either of the following forms:

“Signature and authority to sign guaranteed”, or
“Transaction guaranteed”.

(3) Where an instrument of transfer purports to have been signed in the firm name only of a partnership or an unincorporated association not being a partnership, the Bank may give effect to it if the signature is guaranteed by a bank incorporated under the *Bank Act* or the *Quebec Savings Banks Act* or a financial institution approved by the Bank.

(4) Where a resolution, power of attorney, partnership agreement or other document or a copy thereof has been deposited with the Bank for the purposes of this section the Bank may give full force and effect to it until written notice is received by the Bank that it has been revoked or the authority thereby conferred or evidenced has been terminated.

No Guarantee of Signature Required in Certain Cases

16. The Bank may give effect to an instrument of transfer although no guarantee of the signature of the person signing the instrument of transfer has been given, if

- (a) he is known to an executive officer of the Bank in Ottawa and his signature is vouched for by such officer;
- (b) he signs on behalf of an insurance company and his signature is vouched for by an officer of the Department of Insurance of the Government of Canada and is acceptable to the Bank;
- (c) he is a member of Her Majesty's naval, military or air forces and his signature is witnessed by the commanding officer of his unit or the officer under whose direct command he is serving;

Financial Administration Act—continued

- (d) he is personally known to the Agent at an Agency of the Bank and his signature is witnessed and vouched for by the Agent; or
- (e) he is an officer of a trust company authorized to guarantee signatures under section 14 and he is an officer of the company authorized to execute such guarantees and instruments of transfer on behalf of the company.

Authentication of Signature Where Instrument of Transfer Executed Outside Canada

17. Where an instrument of transfer has been executed outside Canada in a country of the British Commonwealth or in a British colony or possession and where no guarantee of the signature of the person signing it can be obtained in accordance with section 14 and the signature is not vouched for or witnessed in accordance with paragraphs (a), (b) or (c) of section 16, the Bank may give effect to the instrument, if

- (a) the signature of the person signing it is guaranteed by an incorporated bank; or
- (b) the signature is certified in the manner provided in section 18.

18. Where an instrument of transfer is executed outside Canada in a place other than a place mentioned in section 17 and where no guarantee of the signature on the instrument of transfer can be obtained in accordance with section 14 and the signature is not vouched for or witnessed in accordance with paragraphs (a), (b) or (c) of section 16, the Bank may give effect to the instrument of transfer if the signature of the person signing it is certified to have been affixed in the presence of

- (a) an officer of the Canadian diplomatic, consular or representative or trade commissioner services while exercising his functions as such;
- (b) an officer of Her Majesty's diplomatic or consular services while exercising his functions as such; or
- (c) a judge of a Court of Record;

and the instrument bears the signature and official seal of the person who certifies the signature.

**TRANSMISSION AND TRANSFER OF REGISTERED BONDS
ON DEATH OF REGISTERED OWNER**

19. (1) Where the registered owner of a bond has died, the Bank shall, upon receipt of the appropriate documents specified in subsection (2), give effect to the transmission of ownership of the bond to the person disclosed by the documents to be entitled to the bond by reason of transmission on the death of the registered owner.

- (2) The documents referred to in subsection (1) are:
 - (a) an authenticated or notarial copy of the probate of the will of the deceased owner, or of letters of administration of his estate, granted by a court or authority in Canada having power to grant the same;
 - (b) where the transmission is governed by the laws of the Province of Quebec, proof of death and an authentic copy of the will of the deceased owner where such will was made in notarial form, or a

Financial Administration Act—continued

declaration of hereditage or an authentic or notarial copy of an act of curatorship or tutorship granted by a court or authority having power to grant the same; or

- (c) where the transmission is governed by the laws of a country other than Canada, an authenticated or notarial copy of the probate of the will, letters of administration of his estate or other documents of like import, satisfactory to the Bank, granted by the court or authority of that country having the requisite power in such matters.

(3) Where documents specified in subsection (2) have been received by the Bank, a bond to which they relate may be transferred upon completion of an instrument of transfer executed in accordance with sections 13 to 18 or, in the discretion of the Bank, upon execution by a person acceptable to the Bank of a sworn declaration setting forth such facts and information as the Bank requires, except that if the bond is not transferable by its terms the Bank shall cancel the bond and issue a new bond registered in the name of the person disclosed by the documents to be entitled to have the bond registered in his name.

20. Where the registered owner of a bond has died, and where it appears to the Bank that the aggregate of the face value of all bonds of which he was registered as owner at the time of his death was not more than twenty-five hundred dollars, the Bank may, notwithstanding that it has not been furnished with the appropriate documents specified in section 19, give effect to a transfer of the bonds or, if the bonds are by their terms not transferable, cancel the bonds and issue new bonds for an equal aggregate principal amount of like issue, to the person that the Bank is satisfied is entitled thereto by reason of the death of the owner, if

- (a) the Bank is satisfied that it is not intended to apply for a grant of letters probate of the will or letters of administration of the estate of the deceased, and
- (b) application is made to the Bank for the transfer in a form prescribed by the Bank for cases where no letters probate or letters of administration have been granted.

TRANSFER PURSUANT TO JUDGMENT

21. Where a registered bond that is transferable by its terms has been seized pursuant to a writ of execution or other like process issued out of a court or where a court orders the sale or transfer thereof or orders that the bond be vested in a person other than the registered owner,

- (a) if the name of the person who is to be registered as owner is specified in an order of the court, the Bank may, upon presentation of the bond and of an authenticated copy of the order, register that person as the owner of the bond and enter his name in the bond accordingly, or
- (b) if the court by order authorizes a person to transfer the bond in the place of the registered owner, the Bank may, upon presentation of the bond and an authenticated copy of the order, give effect to an instrument of transfer executed by the person so authorized.

Financial Administration Act—continued

WHEREABOUTS OF REGISTERED OWNER UNKNOWN OR NOT AVAILABLE

22. (1) Where it appears to the Bank that the whereabouts of a person in whose name a bond is registered is unknown and application is made to the Bank for transfer or redemption of the bond, the Bank may, in its discretion, transfer the ownership of or redeem the bond if a bond of indemnity in accordance with subsection (1) of section 38 is given to the Bank.

(2) Where a bond is in the possession of Her Majesty or the Bank and the owner of the bond cannot be located, or Her Majesty or the Bank had been requested to retain the bond in safekeeping, the bond may, notwithstanding anything in these regulations, be treated, on the date of maturity, as though it had been redeemed, and a liability shall be set up in the books of the Department of Finance, in the amount of the bond and any interest that accumulated thereon to the date of maturity,

- (a) where the bond is registered, in favour of the registered owner, and
- (b) where the bond is not registered, in favour of the person who establishes that he is the owner,
 - (i) to the satisfaction of the Minister of Finance, if the bond is in the possession of Her Majesty, or
 - (ii) to the satisfaction of the Bank, if the bond is in the possession of the Bank.

MARRIED WOMEN

23. The Bank may register a bond in the name of a married woman or may transfer or redeem a bond upon the authority of the signature of a married woman, without the consent of her husband, whether such married woman is acting as a principal or in a representative capacity.

MINORS

24. (1) A bond may be registered in the name of a person whether or not he is a minor or is qualified by law to enter into ordinary contracts.

(2) Where a bond is registered in the name of a minor who is not unable by reason of immaturity to write his name,

- (a) an instrument of transfer executed by him shall have the same effect, for the purposes of these regulations, as if he were of the full age of majority and the Bank may make payments under the bond to him and accept acquittances thereof from him as if he were of the full age of majority, and
- (b) where evidence is furnished to the Bank that a guardian or tutor of the minor has been appointed, the Bank may make payments under the bond to such guardian or tutor and may accept acquittances in respect thereof executed by such guardian or tutor on behalf of the registered owner, and such guardian or tutor may execute an instrument of transfer on behalf of the registered owner.

(3) Where the Bank is satisfied that the registered owner of a bond, being a minor, is unable by reason of immaturity to write his name,

- (a) an instrument of transfer may be executed on behalf of the registered owner by the guardian, and

Financial Administration Act—continued

(b) the Bank may make payments under the bond to the guardian and may accept acquittances in respect thereof executed by such guardian on behalf of the registered owner and for the purposes of this subsection, evidence of age in the form of a certificate of birth or other evidence satisfactory to the Bank may be accepted as proof of age, but where in addition to the guarantee of the signature of the guardian his authority to sign is guaranteed as set forth in subsection (2) of section 15, no such evidence shall be required.

(4) For the purposes of subsection (3), the word “guardian” when used with reference to a registered owner of a bond who is unable by reason of immaturity to write his name means,

(a) except as provided in paragraph (b),

(i) the father, if the father is living; or

(ii) the mother, if the father is not living; and

(b) where

(i) evidence satisfactory to the Bank is produced that a person other than the father has actual custody and control of the registered owner, the person who has the actual custody and control of the registered owner;

(ii) the registered owner is resident in the Province of Quebec and evidence satisfactory to the Bank is produced that a tutor has been appointed, the tutor of the registered owner; or

(iii) the registered owner is resident elsewhere than in the Province of Quebec and evidence satisfactory to the Bank is produced that a guardian has been officially appointed, the guardian of the registered owner.

PARTNERSHIPS AND UNINCORPORATED ASSOCIATIONS

25. (1) The partners in a partnership or the members for the time being of an unincorporated association not being a partnership may be registered as owners of a bond under the firm name or the name of the association.

(2) Where members for the time being of an unincorporated association have been registered as owners of a bond as provided in subsection (1), instruments of transfer, acquittances or other documents furnished under these regulations by the duly authorized officers for the time being of the association shall for the purposes of these regulations, be binding on the members of the association.

CLOSING OF BOOKS

26. Where bonds are registered as to principal and interest, nothing in these regulations shall be deemed to require the Bank to make exchanges or registrations or to give effect to instruments of transfer in connection therewith during any period, which the Bank considers reasonable, immediately preceding the date of any interest payment on such bonds.

Financial Administration Act—continued

DAMAGED OR MISSING BONDS AND UNMATURED ATTACHED COUPONS

Damaged, Defaced or Mutilated

27. (1) Where a bond or an unmatured coupon belonging to a bond has been damaged, defaced or mutilated and all parts of the bond and all unmatured coupons belonging to it, if any, that in the opinion of the Bank are material have been surrendered to the Bank, the Bank may forthwith issue a new bond and appropriate coupons in place of them.

(2) If all parts of a bond and unmatured coupons belonging to it, if any mentioned in subsection (1), are not surrendered to the Bank, the Bank may, if in its opinion the missing parts are material, require an undertaking to indemnify in accordance with section 37 to be given to the Bank before a new bond is issued or the Bank may require that the bond and coupons be treated as destroyed, lost or stolen, as the case may be.

Destroyed, Lost or Stolen

28. (1) Except as otherwise provided in this section, where it appears to the Bank that a bond and unmatured coupons attached to it, if any, have been destroyed, lost or stolen, the Bank may, in its discretion, issue a new bond and appropriate coupons in place of them if a bond of indemnity in accordance with section 38 is given to the Bank and if the following period has elapsed after notice was received by the Bank of the alleged destruction, loss or theft:—

- (a) six months in the case of a destroyed bond;
- (b) six months in the case of a lost or stolen bond registered as to principal and interest and for which no instrument of transfer to bearer has been executed;
- (c) one year in the case of a lost or stolen bond registered as to principal and for which no instrument of transfer to bearer has been executed; or
- (d) two years in any other case.

(2) Where it appears to the Bank that a bond has been destroyed, lost or stolen after it has been paid for by a subscriber but before it was received by him, the Bank may, in its discretion, waive the waiting period specified in subsection (1).

(3) Where it appears to the Bank that a bond of which a person is registered as owner as to principal for which no instrument of transfer to bearer has been executed and which has matured or has been called for payment before maturity, has been destroyed, lost or stolen, the Bank, in its discretion, may pay to the owner in redemption of that bond an amount equal to the amount payable on maturity or on call, as the case may be, less, in the case of a bond that is called for payment before maturity, an amount equal to the value of any coupons belonging to the bond dated subsequent to the call date, if a bond of indemnity executed by two sureties satisfactory to the Bank is given to the Bank.

(4) An amount deducted under subsection (3) in respect of coupons shall be dealt with by the Bank in accordance with section 33.

(5) Where it appears to the Bank that a non-interest bearing certificate has been destroyed, lost or stolen, the Bank may, in its discretion, pay the redemption value of the certificate to the registered owner if he gives to the Bank an undertaking to indemnify in accordance with section 37.

Financial Administration Act—continued

29. Where it appears to the Bank that a bond and unmatured coupons attached to it, if any, cancelled by a bank incorporated under the *Bank Act* or the *Quebec Savings Banks Act* have been destroyed, lost or stolen while in the custody of the bank or in the course of transit from a branch of the bank to its main office or to any Agency of the Bank, if the bank certifies that the bond and each coupon attached thereto was effectively cancelled for purposes and in accordance with arrangements expressly approved by the Bank and gives to the Bank an undertaking to indemnify in accordance with section 37 duly executed on its behalf at its head office and three months have elapsed after the day on which the Bank received notice of the destruction, loss or theft, the Bank may, in its discretion, issue a new bond and appropriate coupons in place of them.

30. Where a bond that is registered or registrable as to principal and interest, whether cancelled or uncanceled, or a coupon bond and unmatured coupons attached to it, if any, that have been cancelled by the Bank are destroyed, lost or stolen while in the custody of the Bank or in the course of transit from any office of the Bank, the Bank may issue a new bond and appropriate coupons in place of them upon executing an undertaking to indemnify the Government of Canada in an amount equal to the principal amount of the missing bond and value of the coupons, if any.

DAMAGED OR MISSING MATURED COUPONS*Damaged, Defaced or Mutilated*

31. (1) Where all parts of a damaged, defaced or mutilated matured coupon that in the opinion of the Bank are material are surrendered to the Bank, the Bank may forthwith pay the redemption value of the coupon.

(2) If a part of a coupon mentioned in subsection (1) is not surrendered to the Bank, the Bank may, if in its opinion the part is material, require an undertaking to indemnify in accordance with section 37 to be given to the Bank before redeeming the coupon or require that the coupon be treated as if it had been destroyed, lost or stolen, as the case may be.

Destroyed, Lost or Stolen

32. (1) Where it appears to the Bank that a detached coupon has been destroyed, lost or stolen, the Bank may, in its discretion, pay the redemption value of the coupon if a bond of indemnity in accordance with section 38 is given to the Bank and if the following period has elapsed after notice was received by the Bank of the alleged destruction, loss or theft and the date of maturity of the coupon:—

- (a) six months in the case of a destroyed coupon; or
- (b) two years in the case of a lost or stolen coupon.

(2) Notwithstanding subsection (1), where a bank incorporated under the *Bank Act* or the *Quebec Savings Banks Act* seeks payment of the value of a matured coupon that has been destroyed, lost or stolen after encashment by it, the Bank may, in its discretion, pay the redemption value of the coupon if the bank concerned gives to the Bank an undertaking to indemnify in accordance with section 37 and three months have elapsed after the day on which the Bank received notice of the destruction, loss or theft.

Financial Administration Act—continued

Unredeemable Coupons Missing from Called Bonds

33. (1) Where a bond that has been called for payment prior to maturity is presented for the purpose of being redeemed and any of the coupons dated subsequent to the call date are not attached to the bond, an amount equal to the value of the missing coupons shall be withheld and that amount shall be credited to an appropriate account in the books of the Bank.

(2) Where a coupon, in respect of which an amount equal to the value of that coupon has been credited to an account in the books of the Bank in accordance with subsection (1), is presented by a person to the Bank, the Bank may pay that amount to that person.

DESTROYED, LOST OR STOLEN CHEQUES

34. Where it appears to the Bank that a cheque issued in payment of interest on or principal of a bond or otherwise in connection with a bond has been destroyed, lost or stolen,

- (a) after it has been mailed but before the payee received it, the Bank may issue a duplicate cheque in place of it if the payee gives to the Bank an undertaking to indemnify in accordance with section 37; or
- (b) after the payee received it, the Bank may issue a duplicate cheque in place of it if the payee or a bank or other institution which has negotiated it gives to the Bank an undertaking to indemnify in accordance with section 37 or a bond of indemnity in accordance with section 38, as the Bank may require.

INTERIM CERTIFICATES

35. Where it appears to the Bank that an interim certificate has been damaged, defaced, mutilated, destroyed, lost or stolen, the Bank may issue a bond on like conditions to those in which, if the certificate were a coupon bond payable to bearer, the Bank might under these regulations issue a new bond.

NEW BONDS

36. A new bond issued in place of a damaged, defaced, mutilated, destroyed, lost or stolen bond or interim certificate as provided for in these regulations shall be of the same issue and aggregate amount and of like tenor as the one that it is issued to replace.

FORM OF UNDERTAKING TO INDEMNIFY

37. An undertaking to indemnify given to the Bank under these regulations shall be executed by the owner or payee of the bond, coupon, cheque or certificate that has been damaged, defaced, mutilated, destroyed, lost or stolen, or by any other person acceptable to the Bank and shall undertake to indemnify the Bank and the Government of Canada for any loss resulting from the issue of any new bond or cheque or the making of any payment in respect thereof and shall be in a form satisfactory to the Bank.

FORM OF BOND OF INDEMNITY

38. (1) Except as provided in subsection (2), a bond of indemnity given to the Bank under these regulations shall be executed by a guarantee

Financial Administration Act—continued

company approved by the Bank or by a bank incorporated under the *Bank Act* or the *Quebec Savings Banks Act*, and shall undertake to indemnify the Bank, and the Government of Canada for any loss resulting from the transfer or redemption of any bond or the issue of any new bond or cheque or the making of any payment in respect of the transfer or redemption of any bond or in respect of any destroyed, lost or stolen bond, coupon, cheque or interim certificate in an amount deemed sufficient by the Bank and shall be in a form satisfactory to the Bank.

(2) The Bank may with respect to the issue of a new bond pursuant to the alleged destruction, loss or theft of a bond of which a person was registered as owner as to principal and interest and for which no instrument of transfer to bearer has been executed, accept a bond of indemnity executed by two sureties satisfactory to the Bank, but not exceeding twice the value thereof, in place of a bond of indemnity executed by a surety mentioned in subsection (1).

STATUTORY DECLARATION

39. The Bank may, before issuing a bond or cheque or making a payment in accordance with sections 27 to 35 or section 43, require the claimant to furnish a statutory declaration setting out the facts relating to the alleged damage, defacement, mutilation, destruction, loss or theft by reason of which it is to be issued or made.

CANADA SAVINGS BONDS

40. Where a Redemption Agent for Canada Savings Bonds makes an erroneous payment and the Bank is satisfied that the error did not result from fault or negligence on the part of the Redemption Agent, the Treasury Board may, upon the recommendation of the Bank, relieve the Redemption Agent of liability to the Government of Canada and reimburse the Bank, but otherwise, the Redemption Agent shall reimburse the Bank in the amount of the loss sustained.

Part II**WAR SAVINGS CERTIFICATES**

41. In this part,

- (a) "certificate" means War Savings Certificates; and
- (b) "Registrar" means the Bank.

42. This Part applies in respect of War Savings Certificates and Part I applies in respect of War Savings Certificates except in so far as it is inconsistent with this Part.

43. Where it appears to the Registrar that a certificate has been destroyed, lost or stolen, a cheque for an amount equal to the amount payable upon maturity of that certificate may be issued upon completion by the registered owner or by a person acting on his behalf who is acceptable to the Registrar, of an undertaking in a form approved by the Registrar, but unless the Registrar in its discretion otherwise decides, no

Financial Administration Act—continued

cheque shall be issued pursuant to this section until at least three months have elapsed from the date upon which the Registrar first received notice of the alleged destruction, loss or theft of the certificate.

44. If the maturity value of all certificates that belonged to a deceased owner is less than fifty dollars, production of the documents referred to in section 19 may, at the discretion of the Registrar, be dispensed with and the Registrar may redeem the certificates to or in favour of the persons shown to be entitled by a letter from a bank, trust company or other institution acceptable to the Registrar, certifying that letters probate, letters of administration or other documents of like import were in fact granted or executed and giving such further particulars in respect thereof as the Registrar may require.

45. The Post Office Department is hereby authorized to redeem War Savings Stamps at their face value upon presentation at any Post Office in Canada.

Form A

GOVERNMENT OF CANADA

Bond No. Principal Sum \$. Maturing

Registered in the name of

Know all men by these presents that I/we
(type or print name)

for value received, do hereby assign and transfer unto

.....
(Name)

.....
.....
.....
(Exact Post Office Address)

all right, title and interest in the bond(s) described above absolutely and the Bank of Canada is hereby authorized to make such entries in the books of registration as are required to give effect to such transfer.

Dated at this day of 19

Signature of Transferor is hereby
guaranteed
Signature of Transferor

*

*Signature of the registered owner must be guaranteed by a Canadian Chartered Bank or other financial institution acceptable to the Bank of Canada.

Financial Administration Act—continued**8. Fees for services of the Department of Secretary of State**

P.C. 1954-1923

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State and pursuant to section 18 of the Financial Administration Act, is pleased, hereby, to revoke Order in Council P.C. 1397 of 22nd August, 1924, as amended, which established a schedule of fees for services performed in and by the Department of the Secretary of State, and is pleased, in substitution therefor, to prescribe the following fees to be charged for the services provided by the Department of the Secretary of State as listed hereunder.

1. On registration of a certificate of formation of a board of trade under the Boards of Trade Act \$ 2.50.
2. For a certified copy of a certificate of formation of a board of trade registered under the Boards of Trade Act 2.50.
3. For services provided by the Department of the Secretary of State under other than the Companies Act, as follows,
 - (a) certificate of deposit or filing 2.00;
 - (b) exemplification 15.00;
 - (c) certificate of authentication 5.00;
 - (d) certificate of Secretary of State or Under Secretary of State 2.00;
 - (e) copying, per typewritten foolscap page 0.25.

9. Government Contracts Regulations

P.C. 1954-1971

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Financial Administration Act, is pleased to order as follows:

1. The Government Contracts Regulations, established by Order in Council P.C. 1953-1982 of 29th December, 1953, as amended, are hereby revoked; and

2. The annexed "Government Contracts Regulations" are hereby made and established in substitution for the regulations hereby revoked.

Financial Administration Act—continued

REGULATIONS RELATING TO GOVERNMENT CONTRACTS

Short Title

1. These regulations may be cited as the *Government Contracts Regulations*.

Interpretation

2. In these regulations,

- (a) "amount" where used in respect of a contract means the cost or price of the contract, whether such cost or price is fixed or estimated;
- (b) "contract" means
 - (i) a contract for the construction of a work (in these regulations called a "construction contract"),
 - (ii) a contract for the supply of articles, commodities, equipment, goods, materials or supplies including a contract for printing or reproduction (in these regulations called a "purchase contract"),
 - (iii) a contract for the furnishing or performance of a service of any kind (in these regulations called a "service contract"), and
 - (iv) a lease or an agreement whereby Her Majesty acquires a leasehold interest in, or a licence to occupy, real property situated in or outside Canada (in these regulations called a "lease"), entered into by or on behalf of Her Majesty in right of Canada;
- (c) "contracting authority" with respect to any contract, means
 - (i) the appropriate minister as defined in subparagraphs (i) and (ii) of paragraph (a) of section 2 of the *Financial Administration Act*, and
 - (ii) the corporations named in Schedule B to the *Financial Administration Act*;
- (d) "public advertisement" means advertising in the public press; and
- (e) "tender" means
 - (i) with respect to a construction contract, a tender invited by public advertisement, and
 - (ii) with respect to a purchase or service contract, a tender invited by public advertisement or from a representative list or representative lists of suppliers.

Application

3. (1) Except as provided in this section, these regulations apply to all contracts.

(2) These regulations do not apply to

- (a) contracts entered into by a corporation named in Schedule C or Schedule D to the *Financial Administration Act*; and
- (b) contracts for the conveyance of mail entered into under the *Post Office Act*.

(3) Parts I to IV of these regulations do not apply to contracts entered into under the *Defence Production Act*.

Financial Administration Act—continued

(4) Where by the *Defence Production Act* the approval of the Governor in Council is necessary or a report is required to be made to the Governor in Council

(a) in respect of a contract, or

(b) in respect of any of the matters mentioned in paragraph (f) of section 15 of the *Defence Production Act*,

such approval may be granted by and such report shall be made to the Treasury Board.

4. The Treasury Board, pursuant to these regulations, may approve the entry into contracts and approve increases in the amounts payable thereunder whenever such approval is required by these regulations.

5. Nothing in these regulations authorizes the appointment or employment of any person as an officer, clerk or employee of Her Majesty.

6. Except as provided in these regulations, no contract shall be entered into without the approval of the Treasury Board.

PART I**CONSTRUCTION CONTRACTS***Tenders*

7. (1) Before any construction contract is entered into the contracting authority shall invite tenders therefor, except where

(a) the work is one of pressing emergency in which delay would be injurious to the public interest,

(b) the work can be more expeditiously and economically executed by the employees of the appropriate contracting authority, or

(c) the estimated cost of the work is less than fifteen thousand dollars and it appears to the contracting authority, in view of the nature of the work, that it is not advisable to invite tenders.

(2) Where tenders have been obtained pursuant to subsection (1), and it appears to the contracting authority not to be expedient to let the contract to the lowest tenderer, the contracting authority shall obtain the approval of the Treasury Board to pass by the lowest tender.

Entry into Construction Contracts

8. A contracting authority without the approval of the Treasury Board, may enter into a construction contract, if

(a) the amount payable under the contract does not exceed fifteen thousand dollars, or

(b) the amount payable under the contract does exceed fifteen thousand dollars but does not exceed fifty thousand dollars and not less than two tenders have been obtained and the lowest tender accepted,

but the contracting authority shall make a report monthly to the Treasury Board in respect of every construction contract, the amount payable under which exceeds five thousand dollars that was entered into without the approval of the Treasury Board during the preceding month.

Financial Administration Act—continued

9. The amount payable under a construction contract shall not be increased without the approval of the Treasury Board, except

- (a) where the contract was entered into pursuant to paragraph (a) of section 8, the amount may be increased to fifteen thousand dollars, but if at least two tenders were obtained and the lowest tender accepted, the amount may be increased by not more than five thousand dollars,
- (b) where the contract was entered into pursuant to paragraph (b) of section 8, the amount may be increased by not more than five thousand dollars, or
- (c) where the contract was entered into with the approval of the Treasury Board, the amount may be increased
 - (i) by not more than ten per cent, or
 - (ii) by fifteen thousand dollars,
 whichever results in the lesser amount.

Part II

PURCHASE CONTRACTS

Tenders

10. Before any purchase contract is entered into, the contracting authority shall invite tenders therefor, except where

- (a) the need is one of pressing emergency in which delay would be injurious to the public interest,
- (b) there is only one available source of supply, or
- (c) the estimated expenditure involved does not exceed fifteen thousand dollars and it appears to the contracting authority, in view of the nature of the purchase, that it is not advisable to invite tenders.

Entry into Purchase Contracts

11. A contracting authority, without the approval of the Treasury Board, may enter into a purchase contract, if

- (a) the amount payable under the contract does not exceed fifteen thousand dollars, or
- (b) the amount payable under the contract does exceed fifteen thousand dollars but does not exceed twenty-five thousand dollars and not less than two tenders have been obtained and the lowest tender accepted,

but the contracting authority shall make a report monthly to the Treasury Board in respect of every purchase contract the amount payable under which exceeds five thousand dollars that was entered into without the approval of the Treasury Board during the preceding month.

12. The amount payable under a purchase contract shall not be increased without the approval of the Treasury Board, except

- (a) where the contract was entered into pursuant to paragraph (a) of section 11, the amount may be increased to fifteen thousand dollars, but if at least two tenders were obtained and the lowest tender accepted, the amount may be increased by not more than two thousand five hundred dollars,
- (b) where the contract was entered into pursuant to paragraph (b) of section 11, the amount may be increased by not more than two thousand five hundred dollars, or

Financial Administration Act—continued

- (c) where the contract was entered into with the approval of the Treasury Board, the amount may be increased
 - (i) by not more than ten per cent, or
 - (ii) by fifteen thousand dollars,whichever results in the lesser amount.

Part III

SERVICE CONTRACTS

Tenders

13. Before a service contract is entered into, the contracting authority shall invite tenders or otherwise secure competitive prices in such cases or classes of cases as the contracting authority considers practicable and in the public interest.

Entry into Service Contracts

14. (1) A contracting authority, without the approval of the Treasury Board, may enter into a service contract, for any of the following purposes, namely,

- (a) for engineering, architectural or related or similar services, if the amount payable under the contract does not exceed fifteen thousand dollars;
- (b) for the hire of equipment to be used in or incidental to the execution of a work, if the amount payable under the contract does not exceed fifteen thousand dollars;
- (c) for advertising or related or similar services, if the amount payable under the contract does not exceed five thousand dollars;
- (d) for transportation services or the hire or charter of vehicles, vessels or aircraft,
 - (i) regardless of the amount payable under the contract, if the service is to be furnished or performed by common carriers at rates not in excess of standard rates,
 - (ii) if the amount payable under the contract does not exceed fifteen thousand dollars and the service is to be furnished or performed by persons other than common carriers or by common carriers at rates in excess of standard rates, or
 - (iii) where the service is to be furnished or performed under a charter or hire contract and the amount payable thereunder does not exceed fifteen thousand dollars;
- (e) for the supply of electricity, gas, water, or heat, regardless of the amount payable under the contract, if the rates do not exceed the established rates charged to other comparable consumers in the locality in which the service is supplied; but where the rates charged are based on the value or assessed value of the property serviced, or where the contract involves payment by Her Majesty of negotiated installation or capital charges, no such contract may be entered into without the approval of the Treasury Board;
- (f) for stenographic, reporting or related or similar services, if the amount payable under the contract does not exceed one thousand dollars and the rates charged are not greater than the rates prescribed from time to time by the Treasury Board for those services;

Financial Administration Act—continued

- (g) for maintenance services, including cleaning, road clearing and snow, garbage and waste removal or disposal, if the amount payable under the contract does not exceed five thousand dollars;
- (h) for maintenance and inspection of elevators, regardless of the amount payable under the contract, if the rates charged are not greater than the rates prescribed from time to time by the Treasury Board for those services;
- (i) for the repair, overhaul, and refitting of vehicles, aircraft, and equipment, other than office equipment, if the amount payable under the contract does not exceed fifteen thousand dollars; and
- (j) for telecommunication services, as follows:
 - (i) for telephone services, regardless of the amount payable under the contract, if the rates charged do not exceed the established rates charged to other comparable consumers in the locality in which the service is supplied and if the contract does not involve payment of capital or negotiated installation charges exceeding one thousand dollars,
 - (ii) for radio telephone services, if the amount payable under the contract does not exceed five thousand dollars,
 - (iii) for the rental of telecommunication equipment, if the amount payable under the contract (or the annual rental) does not exceed five thousand dollars,
 - (iv) for the rental of short or local lines, if the amount payable under the contract (or the annual rental) does not exceed one thousand dollars, and
 - (v) for the rental of long lines, if the amount payable under the contract (or the annual rental) does not exceed fifteen thousand dollars.

(2) A contracting authority, without the approval of the Treasury Board, may enter into a contract for the furnishing or performance of any service not specified in subsection (1), if the amount payable under the contract does not exceed one thousand dollars.

(3) The National Film Board, without the approval of the Treasury Board, shall not enter into a service contract relating to any film activity (as that expression is defined in paragraph (g) of section 2 of the *National Film Act*), if the amount payable under the contract is fifteen thousand dollars or more.

15. No service contract the term of which exceeds five years shall be entered into without the approval of the Treasury Board.

16. The amount payable under a service contract shall not be increased without the approval of the Treasury Board, except

- (a) where the contract was entered into, in accordance with these regulations, without the approval of the Treasury Board, the amount may be increased to the maximum amount specified, in section 14, for a contract of that kind, or
- (b) where the contract was entered into with the approval of the Treasury Board, the amount may be increased by not more than ten per cent.

17. Contracts for the performance of legal services may be entered into only by or under the authority of the Minister of Justice and these regulations do not apply to such contracts.

Financial Administration Act—continued**Part IV**

LEASES

Entry into Leases

18. A contracting authority, without the approval of the Treasury Board, may enter into a lease

- (a) if the total amount to be paid during the term of the lease does not exceed five thousand dollars and the term of the lease does not exceed five years, or
- (b) where the lease is required in connection with the administration of the Department of Public Works,
 - (i) the amount to be paid under the lease does not exceed five thousand dollars per annum, and
 - (ii) the term of the lease does not exceed five years.

19. No contracting authority shall, without the approval of the Treasury Board, enter into a lease of premises intended to be used as living quarters for officers or servants of Her Majesty.

GENERAL

20. Notwithstanding anything in these regulations, a contracting authority may execute on behalf of Her Majesty,

- (a) any standard form of agreement in use by a railway company for permission to construct or maintain a pipe or cable crossing over, across, or under property of the company, or
- (b) any agreement with a railway, telegraph, telephone, or power company for permission to attach wires to poles of the company, at rates not in excess of those normally charged for such permission.

Part V

SECURITY DEPOSITS

21. In this Part, "contract" means

- (a) a construction contract, and
- (b) any other contract, if, in the opinion of the contracting authority, it is in the public interest to obtain security to ensure the due performance of the contract.

22. Every contracting authority shall, before entering into a contract, require the contractor to give to Her Majesty, to ensure the due performance of the contract, security having a par value of not less than

- (a) ten per cent of the amount payable under the contract, if the amount payable does not exceed two hundred and fifty thousand dollars; or
- (b) twenty-five thousand dollars plus five per cent of the amount by which the amount payable under the contract exceeds two hundred and fifty thousand dollars, if the amount exceeds two hundred and fifty thousand dollars;

but the contracting authority may, in his or its discretion,

- (c) where the contract provides that the amount payable by or on behalf of Her Majesty is to be computed in relation to cost

Financial Administration Act—continued

incurred by the contractor, accept security of less value or dispense with security, if by the terms of the contract the materials upon being incorporated in the work or otherwise appropriated to the contract become the property of Her Majesty;

- (d) limit the total security in respect to any one contract to one hundred thousand dollars; or
- (e) take no security where the amount payable under the contract is less than five thousand dollars.

23. Security given under this Part shall be in one or more of the following forms:

- (a) a certified cheque drawn on a bank to which the *Bank Act* or the *Quebec Savings Banks Act* applies, or
- (b) bonds of the Government of Canada or of a company included in "National Railways" (as that expression is defined in the *Canadian National Railways Capital Revision Act*) unconditionally guaranteed as to principal and interest by the Government of Canada, if such bonds are
 - (i) payable to bearer,
 - (ii) hypothecated to the Minister of Finance and Receiver General of Canada in accordance with the *Domestic Bonds of Canada Regulations*, or
 - (iii) registered in the name of the Minister of Finance and Receiver General of Canada.

24. Coupon bonds delivered as security under these regulations shall have attached thereto all coupons that are unmatured at the time of such delivery.

25. Where security has been given under these regulations in the form of a certified cheque and the amount of the cheque has been paid into the Consolidated Revenue Fund, interest shall be allowed on the said amount from the day on which it is paid into the Consolidated Revenue Fund until it is repaid or otherwise disposed of, at the rates that from time to time are applicable to deposits in the post office savings bank.

26. Whenever the amount payable under a contract is increased by reason of extras, additions or extensions, the contracting authority may require such additional security as the contracting authority considers necessary to ensure the due performance of the contract.

27. (1) Where a contracting authority or an officer authorized by the contracting authority has certified in writing

- (a) that
 - (i) the contract has been satisfactorily performed or has been terminated for a reason that is not attributable to any fault of the contractor, and
 - (ii) Her Majesty has no claim against the contractor for the satisfaction of which the security may be required, or
- (b) that the security is in excess of the amount required by the contract and these regulations,

the security, or part thereof as the case may be, together with such interest thereon as is provided in these regulations, shall be paid or returned, as the case may be, to the contractor unless the contracting authority otherwise directs.

Financial Administration Act—continued

(2) Where any security or interest thereon cannot be paid or returned in accordance with subsection (1), the security and interest thereon shall be paid or returned, as the case may be, to the contractor in such manner and at such time as the Treasury Board directs.

28. (1) In this section,

- (a) "progress payment" means a payment made by or on behalf of Her Majesty under the terms of a contract prior to the completion of the work to be done under the contract, and
- (b) "holdback" means the amount by which the value of the work done and materials supplied under the terms of a contract, as determined by the contracting authority, exceeds the total of progress payments made under the contract.

(2) Subject to subsection (3), it may, in the discretion of the contracting authority, be a term of a construction contract that progress payments shall be made thereunder.

(3) Progress payments under a contract shall not exceed such amounts as will ensure that the holdback is at least ten per cent of the value of the work done and materials supplied under the terms of the contract, as determined by the contracting authority, except when the holdback, together with the value of the security deposit, is at least fifteen per cent of the amount payable under the contract.

(4) Except with the approval of the Treasury Board, no holdback shall be paid to the contractor, either in whole or in part, prior to the satisfactory completion of the contract.

(5) Subsection (3) does not apply to a shipbuilding contract or to any contract under which the amount payable is to be computed in relation to cost incurred by the contractor.

29. Notwithstanding anything in these regulations, the Treasury Board may authorize a contracting authority to accept, in exceptional cases, a security deposit in a form and in an amount not authorized by these regulations.

10. Tariff of Charges, National Defence Aerodrome Facilities

P.C. 1954-1977

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to section 18 of the Financial Administration Act, is pleased, hereby, to revoke Order in Council P.C. 44/3888 of 4th August, 1949, as amended, which authorized certain charges for the use by civil aircraft of the aerodrome facilities of the Department of National Defence, and is pleased to make and doth hereby make, in substitution therefor, the annexed Tariff of Charges for the use of Department of National Defence Aerodrome Facilities, and the annexed Tariff of Trans-oceanic Fees applicable at all Department of National Defence Airports in Canada.

Financial Administration Act—continued

NATIONAL DEFENCE AERODROMES

TARIFF OF CHARGES FOR USE OF FACILITIES

1. All aircraft landing at Department of National Defence aerodromes, securing to moorings or beach facilities, or utilizing accommodation or services at defence establishments shall be charged at the rates and under the terms and conditions hereunder set forth, unless expressly exempted by the Minister of National Defence or exempted in accordance with section 2.

2. Charges shall not be levied for:

- (a) the landing, accommodation or storage of aircraft operated by the Government of Canada; or
- (b) the landing and accommodation granted during visits of less than 48 hours of:
 - (i) state aircraft, including aircraft of provincial air services and aircraft operated in the service of any other country;
 - (ii) aircraft owned and operated by flying clubs which are members of the Royal Canadian Flying Clubs Association;
 - (iii) aircraft owned by serving members of the Defence Forces of Canada; and
 - (iv) aircraft visiting Department of National Defence establishments on courtesy calls or on departmental business.

Landing Fees

3. The landing fee is a charge levied on an aircraft each time it alights at an airport.

4. The landing fees shall be computed according to the following table, the rates being applied to the whole of the licensed gross take-off weight, as given in the certificate of airworthiness or application therefor; the fee shall be computed to the nearest five cents with a minimum charge of \$1.00 for each landing.

Licensed gross

Not exceeding 15,000 lbs.	take-off weight 10c. per 1,000 lbs.
over 15,000 lbs. and not over 30,000 lbs.	take-off weight 12½c. per 1,000 lbs.
over 30,000 lbs. and not over 45,000 lbs.	take-off weight 15c. per 1,000 lbs.
over 45,000 lbs. and not over 75,000 lbs.	take-off weight 20c. per 1,000 lbs.
over 75,000 lbs.	take-off weight 25c. per 1,000 lbs.

(EXAMPLE)

Licensed gross take-off weight 32,315 lbs.

Appropriate rate—15 cents per 1,000 lbs.

$$\frac{32,315 \times 15 \text{ cents}}{1,000} = \$4.85$$

5. For aircraft owned and operated by approved flying clubs based at the aerodrome, the rate shall be \$15 a month for each aircraft, or such other rate as the Minister of National Defence may direct, but in no case shall the rate be less than \$15 a month for each aircraft.

Financial Administration Act—continued

Accommodation

6. Hangar storage rates are as follows:

(a) Unheated—exclusive of landing fees.

Wing Span	Daily	Weekly	Monthly
30' and less.....	\$ 0.85	\$ 5.00	\$ 16.75
30' 1"- 32' 6".....	1.05	6.20	20.75
32' 7"- 35'.....	1.25	7.45	24.80
35' 1"- 37' 6".....	1.45	8.65	28.80
37' 7"- 40'.....	1.65	9.85	32.85
40' 1"- 42' 6".....	1.90	11.45	38.20
42' 7"- 45'.....	2.20	13.05	43.55
45' 1"- 47' 6".....	2.45	14.65	48.90
47' 7"- 50'.....	2.70	16.25	54.25
50' 1"- 52' 6".....	3.05	18.30	60.95
52' 7"- 55'.....	3.40	20.30	67.65
55' 1"- 57' 6".....	3.70	22.30	74.35
57' 7"- 60'.....	4.05	24.30	81.05
60' 1"- 65'.....	4.85	29.15	97.15
65' 1"- 70'.....	5.65	33.95	113.25
70' 1"- 75'.....	6.60	39.60	132.00
75' 1"- 80'.....	7.35	45.20	150.75
80' 1"- 85'.....	8.60	51.65	172.20
85' 1"- 90'.....	9.70	58.10	193.65
90' 1"-100'.....	12.10	72.55	241.85
100' 1"-110'.....	14.75	88.65	295.45
110' 1"-120'.....	17.70	106.35	354.45
120' 1"-130'.....	20.95	125.60	418.75

(b) Heating charge per diem is as follows, and this charge shall be levied for each day that heat is supplied in the aircraft storage section of a hangar, provided that the aircraft is stored therein for more than six hours.

Wing Span	—
30' and less.....	\$0.35
30' 1"- 32' 6".....	0.40
32' 7"- 35'.....	0.45
35' 1"- 37' 6".....	0.50
37' 7"- 40'.....	0.60
40' 1"- 42' 6".....	0.70
42' 7"- 45'.....	0.80
45' 1"- 47' 6".....	0.90
47' 7"- 50'.....	1.00
50' 1"- 52' 6".....	1.10
52' 7"- 55'.....	1.25
55' 1"- 57' 6".....	1.40
57' 7"- 60'.....	1.55
60' 1"- 65'.....	1.75
65' 1"- 70'.....	2.00
70' 1"- 75'.....	2.30
75' 1"- 80'.....	2.65
80' 1"- 85'.....	3.05
85' 1"- 90'.....	3.50
90' 1"-100'.....	4.05
100' 1"-110'.....	4.90
110' 1"-120'.....	5.90
120' 1"-130'.....	7.00

Financial Administration Act—continued

7. The charge for outside accommodation is as follows:

(a) Ground space, wharfage or beach space rates

Wing Span	Daily	Weekly	Monthly
30' and less.....	\$0.25	\$1.50	\$ 5.00
30' 1"– 40'.....	0.55	3.30	11.00
40' 1"– 50'.....	0.90	5.40	18.00
50' 1"– 60'.....	1.30	7.80	26.00
60' 1"– 70'.....	1.85	11.10	37.00
70' 1"– 80'.....	2.45	14.70	49.00
80' 1"– 90'.....	3.15	18.90	63.00
90' 1"–100'.....	3.95	23.70	79.00
100' 1"–110'.....	4.80	28.80	96.00
110' 1"–120'.....	5.75	34.50	115.00
120' 1"–130'.....	6.80	40.80	136.00

(b) Mooring Rate

Wing Span	Daily	Weekly	Monthly
30' and less.....	\$0.50	\$3.00	\$ 10.00
30' 1"– 40'.....	1.05	6.30	21.00
40' 1"– 50'.....	1.65	9.90	33.00
50' 1"– 60'.....	2.30	13.80	46.00
60' 1"– 70'.....	3.10	18.60	62.00
70' 1"– 80'.....	3.45	20.70	69.00
80' 1"– 90'.....	4.15	24.90	83.00
90' 1"–100'.....	4.95	29.70	99.00
100' 1"–110'.....	5.80	34.80	116.00
110' 1"–120'.....	6.75	40.50	135.00
120' 1"–130'.....	7.80	46.80	156.00

8. (1) Rates are designated and are applicable as follows:

Daily Rate—for periods up to and including six days,

Weekly Rate—for periods up to and including twenty days,

Monthly Rate—for periods over twenty days.

(2) Where hangar storage accommodation is supplied for any fraction of twenty-four hours the charge shall be for the full twenty-four hour period.

9. The locker rental fee is as follows:

When available, lockers may be rented at the rate of twenty-five cents a month or part thereof.

10. Dead storage—a reduction of twenty-five per cent of the prescribed rate is allowed in respect of aircraft stored with wings folded or knocked down, for periods of two months or more, but application for such storage shall be made in each case in advance.

Services

11. Landing and accommodation fees include the supply of all available information as to routes and weather conditions; and the services of Service personnel when available to assist in securing the aircraft at moorings and shore are granted without additional charge.

Financial Administration Act—continued

Aerodrome Lighting Charge

12. Unless the Minister of National Defence otherwise directs, a charge of not less than \$2.00 an hour or fraction thereof shall be made for the use of field lights for night landings, departures or tests.

Hauling out or Launching Fees

13. (1) Supplementary to the charges hereby prescribed, charges for hauling out or launching seaplanes shall be at the following rates:

Wing Span	Fee
30' or less.....	\$0.75
30' 1'' to 45'.....	1.00
45' 1'' to 60'.....	1.50
60' 1'' or more.....	2.00

(2) Where amphibian aircraft are permitted to taxi out under their own power at the discretion of the commanding officer, the above fees shall be subject to a reduction of fifty per cent.

14. The rates for the use of motor transport including the services of a driver are as follows:

Type	Rate Per Mile	Rate Per Hour
Light passenger car.....	\$0.25	\$5.00
Light Truck, 1 ton.....	0.35	6.00
Heavy Truck up to 3 tons.....	0.50	8.00
Tractor—40 H.P.....	.....	6.00
Tractor—30 H.P.....	.....	5.00
Tractor—20 H.P.....	.....	4.00

15. The rates for the use of motor boats, including crew services, are as follows:

Type	Rate per ½ Hour or Part Thereof	Rate per Hour
Boat fitted with Outboard Motor.....	\$1.00	\$1.75
Boat with engine up to 25 H.P.....	1.50	2.75
Boat with engine 25 to 50 H.P.....	2.50	4.50
Boat with engine 50 to 100 H.P.....	4.50	8.50

NOTE.—The rates prescribed in sections 14 and 15 apply only to the use of such equipment in connection with the use of aerodrome facilities by civil aircraft; conditions and rates governing the use or rental of motor transport and marine craft on all other occasions are contained in Canadian Air Publication 16, Volume 1.

Financial Administration Act—continued

16. The rates for the services of mechanics are as follows:

Rank	Rate per Hour
Warrant Officer Class 1.....	\$1.50
Warrant Officer Class 2.....	1.50
Flight Sergeant.....	1.50
Sergeant.....	1.50
Corporal.....	1.00
Aircraftman.....	1.00

Charges for accommodation and services under continuing agreements

17. Where space is provided to civil air carriers or other civil interests under a continuing agreement, the rental rates shall be as follows:

(a) hangar accommodation:

- (i) in Newfoundland, Labrador, North West Staging Route (excluding Edmonton) and Seven Islands, P.Q.—\$1.00 per annum per square foot of area occupied; and
- (ii) in all other places in Canada—fifty cents per annum per square foot of area occupied.

The above rates include the use of all normal services provided, such as light, heat, and water.

(b) all other accommodation:

\$1.00 per annum for each square foot of area occupied.

Where such services are readily available, this rate includes normal reasonable use of electrical services for light and small electrical appliances such as fans (but not electric heaters or other such special appliances), heat, water, sewerage, fire protection, and use of roads.

18. At sites where power is generated by a Department of National Defence plant, and where power is required in excess of normal reasonable use of the electrical facilities in rented accommodation, or where electrical service only is required in buildings constructed by a civil air carrier or other civilian interest, such power shall be charged for at the rate of ten dollars a month per kilowatt of connected load.

19. At sites where commercial power is available, the cost of power shall be in accordance with the rates charged by the power utility company for the main service to the site.

20. Where local landline service is provided by the use of Department of National Defence facilities, civil air carriers or other civilian interests shall be assessed the purchase price of the telephone instrument as well as any installation cost involved; no charge shall be made for the service, but such service shall be provided as a privilege only and may be withdrawn at any time without prior notification, in which event the price of the instrument only shall be refunded.

21. Where civil air carriers or other civilian interests are permitted to construct their own accommodation on Department of National Defence premises, and are supplied with services by the Department of National Defence, the rates for the facilities mentioned in section 17 shall be sixty per cent of the rates provided in section 17; the rates, where applicable, shall be the total costs to the civil air carrier or other civilian interest: provided that where any services are not supplied, appropriate reductions

Financial Administration Act—continued

shall be made as follows, but in no case shall the rates thus reduced be less than fifty per cent of the rates specified herein, and not less than fifteen cents or thirty cents per square foot per annum respectively:

	30¢ rate	60¢ rate
Heating.....	12½¢	25¢
Electrical.....	5	10
Roads.....	5	10
Water.....	3½	7
Sewer.....	2½	5
Fire Protection.....	1½	3
Total.....	30¢	60¢

22. Where civil air carriers or other civilian interests are permitted to construct their own accommodation on Department of National Defence premises and are not supplied with any services by the Department of National Defence, rent for the land involved shall be charged at such rates as may be determined by the Minister of National Defence.

23. The cost of extending all services where necessary and where approved shall be borne by the civil air carrier or other civilian interest concerned.

24. Wiring in buildings shall be in accordance with the Canadian Electrical Code and subject to the approval of the Department of National Defence.

25. Services shall be subject to termination or interruption at any time, and the Crown shall not be responsible in any way for any damage thereby caused to or in the premises of civil air carriers or other civilian interests.

26. Civil air carriers or other civilian interests shall advise the Department of National Defence immediately of any proposed increase in use of any service, and such increase shall not be put into effect unless and until approved by the Department of National Defence.

27. The Department of National Defence shall be permitted to check the use of services as often as may be deemed necessary; where an increase is found, charges for the increased load may be made retroactive to the time of the last inspection, or as may be deemed equitable.

28. Any alteration to leased accommodation made by a civil air carrier or other civilian interest with approval of the Department of National Defence shall be entirely at the expense of the civil air carrier or other civilian interest with the basic rates herein prescribed remaining unchanged.

29. Any construction or alteration undertaken by a civil air carrier or other civilian interest shall be in accordance with accepted Department of National Defence standards with engineering details approved by the Department of National Defence.

30. On the termination of a contract, the Department of National Defence reserves the right to take over, at a mutually agreed figure, any alterations or services installed by the civil air carrier or other civilian

Financial Administration Act—continued

interest concerned; where such alterations or additional services are not required by the Department of National Defence, the civil air carrier or other civilian interest shall remove same, restoring the building and services to their original condition.

General

31. The Department of National Defence shall have the right to terminate the use of accommodation and facilities by civil air carriers or other civilian interest at any time.

32. The Crown does not accept or incur any liability whatsoever resulting from the use of accommodation and facilities by civil air carriers or other corporations or persons, whether arising from negligence of servants of the Crown or otherwise; the civil air carrier or other corporation or person shall indemnify the Crown for all loss or damage suffered by the Crown by reason of the use of the Department of National Defence's accommodations and facilities or by the operation of aircraft by such civil air carrier or other corporation or person, whether or not such loss or damage is caused or contributed by the negligence of the civil air carrier or other corporation or person.

Schedule of trans-oceanic fees for use of Canadian air navigation facilities

Tariff of trans-oceanic fees applicable at all Department of National Defence airports in Canada which may from time to time be used as the first point of touchdown or last point of departure by aircraft engaged on oceanic flights.

The Schedule of Rates, based on the licensed gross take-off weight, is as follows:

10,000 lbs. but not over	11,000	.....	\$ 10.25
11,000 " " " "	12,000	.....	11.25
12,000 " " " "	13,000	.....	12.25
13,000 " " " "	14,000	.....	13.50
14,000 " " " "	15,000	.....	15.00
15,000 " " " "	16,000	.....	16.25
16,000 " " " "	17,000	.....	17.50
17,000 " " " "	18,000	.....	18.75
18,000 " " " "	19,000	.....	20.00
19,000 " " " "	20,000	.....	21.00
20,000 " " " "	21,000	.....	22.25
21,000 " " " "	22,000	.....	23.50
22,000 " " " "	23,000	.....	24.75
23,000 " " " "	24,000	.....	26.00
24,000 " " " "	25,000	.....	27.25
25,000 " " " "	26,000	.....	28.50
26,000 " " " "	27,000	.....	30.00
27,000 " " " "	28,000	.....	31.25
28,000 " " " "	29,000	.....	32.50
29,000 " " " "	30,000	.....	33.75
30,000 " " " "	31,000	.....	35.25
31,000 " " " "	32,000	.....	36.50
32,000 " " " "	33,000	.....	37.75
33,000 " " " "	34,000	.....	39.25
34,000 " " " "	35,000	.....	40.50
35,000 " " " "	36,000	.....	41.75
36,000 " " " "	37,000	.....	43.00

Financial Administration Act—continued

37,000	"	"	"	"	38,000	.....	44.50
38,000	"	"	"	"	39,000	.....	45.75
39,000	"	"	"	"	40,000	.....	47.00
40,000	"	"	"	"	41,000	.....	48.50
41,000	"	"	"	"	42,000	.....	50.00
42,000	"	"	"	"	43,000	.....	51.25
43,000	"	"	"	"	44,000	.....	52.50
44,000	"	"	"	"	45,000	.....	54.00
45,000	"	"	"	"	46,000	.....	55.25
46,000	"	"	"	"	47,000	.....	56.75
47,000	"	"	"	"	48,000	.....	58.25
48,000	"	"	"	"	49,000	.....	59.50
49,000	"	"	"	"	50,000	.....	61.00
50,000	"	"	"	"	51,000	.....	62.50
51,000	"	"	"	"	52,000	.....	63.75
52,000	"	"	"	"	53,000	.....	65.25
53,000	"	"	"	"	54,000	.....	66.75
54,000	"	"	"	"	55,000	.....	68.00
55,000	"	"	"	"	56,000	.....	69.50
56,000	"	"	"	"	57,000	.....	71.00
57,000	"	"	"	"	58,000	.....	72.50
58,000	"	"	"	"	59,000	.....	74.00
59,000	"	"	"	"	60,000	.....	75.50
60,000	"	"	"	"	61,000	.....	77.00
61,000	"	"	"	"	62,000	.....	78.50
62,000	"	"	"	"	63,000	.....	80.00
63,000	"	"	"	"	64,000	.....	81.50
64,000	"	"	"	"	65,000	.....	83.00
65,000	"	"	"	"	66,000	.....	84.25
66,000	"	"	"	"	67,000	.....	85.75
67,000	"	"	"	"	68,000	.....	87.25
68,000	"	"	"	"	69,000	.....	88.75
69,000	"	"	"	"	70,000	.....	90.25
70,000	"	"	"	"	71,000	.....	91.75
71,000	"	"	"	"	72,000	.....	93.25
72,000	"	"	"	"	73,000	.....	95.00
73,000	"	"	"	"	74,000	.....	96.50
74,000	"	"	"	"	75,000	.....	98.00
75,000	"	"	"	"	76,000	.....	99.50
76,000	"	"	"	"	77,000	.....	101.00
77,000	"	"	"	"	78,000	.....	102.75
78,000	"	"	"	"	79,000	.....	104.25
79,000	"	"	"	"	80,000	.....	106.00
80,000	"	"	"	"	81,000	.....	107.50
81,000	"	"	"	"	82,000	.....	109.25
82,000	"	"	"	"	83,000	.....	110.75
83,000	"	"	"	"	84,000	.....	112.25
84,000	"	"	"	"	85,000	.....	114.00
85,000	"	"	"	"	86,000	.....	115.50
86,000	"	"	"	"	87,000	.....	117.00
87,000	"	"	"	"	88,000	.....	118.50
88,000	"	"	"	"	89,000	.....	120.25
89,000	"	"	"	"	90,000	.....	122.00
90,000	"	"	"	"	91,000	.....	123.50
91,000	"	"	"	"	92,000	.....	125.25
92,000	"	"	"	"	93,000	.....	127.00
93,000	"	"	"	"	94,000	.....	128.50
94,000	"	"	"	"	95,000	.....	130.00
95,000	"	"	"	"	96,000	.....	131.75
96,000	"	"	"	"	97,000	.....	133.25
97,000	"	"	"	"	98,000	.....	135.00
98,000	"	"	"	"	99,000	.....	136.75

Financial Administration Act—continued

99,000	"	"	"	"	100,000	.....	138.25
100,000	"	"	"	"	101,000	.....	140.00
101,000	"	"	"	"	102,000	.....	141.50
102,000	"	"	"	"	103,000	.....	143.00
103,000	"	"	"	"	104,000	.....	144.75
104,000	"	"	"	"	105,000	.....	146.25
105,000	"	"	"	"	106,000	.....	148.00
106,000	"	"	"	"	107,000	.....	149.50
107,000	"	"	"	"	108,000	.....	151.25
108,000	"	"	"	"	109,000	.....	152.75
109,000	"	"	"	"	110,000	.....	154.50
110,000	"	"	"	"	111,000	.....	156.25
111,000	"	"	"	"	112,000	.....	157.75
112,000	"	"	"	"	113,000	.....	159.50
113,000	"	"	"	"	114,000	.....	161.25
114,000	"	"	"	"	115,000	.....	162.75
115,000	"	"	"	"	116,000	.....	164.25
116,000	"	"	"	"	117,000	.....	166.00
117,000	"	"	"	"	118,000	.....	167.75
118,000	"	"	"	"	119,000	.....	169.25
119,000	"	"	"	"	120,000	.....	171.00
120,000	"	"	"	"	121,000	.....	172.50
121,000	"	"	"	"	122,000	.....	174.25
122,000	"	"	"	"	123,000	.....	176.00
123,000	"	"	"	"	124,000	.....	177.50
124,000	"	"	"	"	125,000	.....	179.25
125,000	"	"	"	"	126,000	.....	181.00
126,000	"	"	"	"	127,000	.....	182.50
127,000	"	"	"	"	128,000	.....	184.25
128,000	"	"	"	"	129,000	.....	185.75
129,000	"	"	"	"	130,000	.....	187.50
130,000	"	"	"	"	131,000	.....	189.00
131,000	"	"	"	"	132,000	.....	190.75
132,000	"	"	"	"	133,000	.....	192.50
133,000	"	"	"	"	134,000	.....	194.00
134,000	"	"	"	"	135,000	.....	195.75
135,000	"	"	"	"	136,000	.....	197.25
136,000	"	"	"	"	137,000	.....	198.75
137,000	"	"	"	"	138,000	.....	200.50
138,000	"	"	"	"	139,000	.....	202.00
139,000	"	"	"	"	140,000	.....	203.75
140,000	"	"	"	"	141,000	.....	205.50
141,000	"	"	"	"	142,000	.....	207.00
142,000	"	"	"	"	143,000	.....	208.75
143,000	"	"	"	"	144,000	.....	210.50
144,000	"	"	"	"	145,000	.....	212.00
145,000	"	"	"	"	146,000	.....	213.75
146,000	"	"	"	"	147,000	.....	215.25
147,000	"	"	"	"	148,000	.....	217.00
148,000	"	"	"	"	149,000	.....	218.50
149,000	"	"	"	"	150,000	.....	220.25
150,000	"	"	"	"	151,000	.....	222.00
151,000	"	"	"	"	152,000	.....	223.50
152,000	"	"	"	"	153,000	.....	225.25
153,000	"	"	"	"	154,000	.....	226.75
154,000	"	"	"	"	155,000	.....	228.50
155,000	"	"	"	"	156,000	.....	230.00
156,000	"	"	"	"	157,000	.....	231.75
157,000	"	"	"	"	158,000	.....	233.50
158,000	"	"	"	"	159,000	.....	235.00
159,000	"	"	"	"	160,000	.....	236.75

Financial Administration Act—continued

160,000	"	"	"	"	161,000	.....	238.50
161,000	"	"	"	"	162,000	.....	240.00
162,000	"	"	"	"	163,000	.....	241.75
163,000	"	"	"	"	164,000	.....	243.25
164,000	"	"	"	"	165,000	.....	245.00
165,000	"	"	"	"	166,000	.....	246.50
166,000	"	"	"	"	167,000	.....	248.00
167,000	"	"	"	"	168,000	.....	249.75
168,000	"	"	"	"	169,000	.....	251.25
169,000	"	"	"	"	170,000	.....	252.75
170,000	"	"	"	"	171,000	.....	254.50
171,000	"	"	"	"	172,000	.....	256.25
172,000	"	"	"	"	173,000	.....	258.00
173,000	"	"	"	"	174,000	.....	259.50
174,000	"	"	"	"	175,000	.....	261.25
175,000	"	"	"	"	176,000	.....	262.75
176,000	"	"	"	"	177,000	.....	264.50
177,000	"	"	"	"	178,000	.....	266.00
178,000	"	"	"	"	179,000	.....	267.75
179,000	"	"	"	"	180,000	.....	269.25
180,000	"	"	"	"	181,000	.....	271.00
181,000	"	"	"	"	182,000	.....	272.75
182,000	"	"	"	"	183,000	.....	274.25
183,000	"	"	"	"	184,000	.....	276.00
184,000	"	"	"	"	185,000	.....	277.75
185,000	"	"	"	"	186,000	.....	279.25

11. Public Officers Guarantee Regulations

Extract from the minutes of a meeting of the Honourable the Treasury Board, held at Ottawa, on October 21, 1954.

T.B. 477453

The Board, on the recommendation of the Minister of Finance and pursuant to section 98 (2) of the Financial Administration Act, direct that—

- (1) the annexed regulations relating to the Public Officers Guarantee Account be made and established.
- (2) Treasury Board Minute T.B. 426150 of April 15, 1952, approving regulations concerning the establishment and maintenance of the Public Officers Guarantee Account, be revoked.

REGULATIONS RELATING TO THE PUBLIC OFFICERS GUARANTEE ACCOUNT*Short Title*

1. These regulations may be cited as the *Public Officers Guarantee Regulations*.

Interpretation

2. In these regulations,
 - (a) "Account" means the Public Officers Guarantee Account;
 - (b) "Act" means the Financial Administration Act;

Financial Administration Act—continued

- (c) “appropriate Minister” means, with respect to a department or a Crown corporation, the appropriate Minister as defined in the Act, and, with respect to a division or branch of the public service designated by the Treasury Board as a department for the purposes of these regulations, the Minister designated by the Board;
- (d) “Crown corporation” means a Crown corporation, as defined in the Act, that is designated by the Treasury Board for the purposes of these regulations;
- (e) “defalcation” includes any fraudulent act or omission of a public officer that occasions loss in money or property to
 - (i) Her Majesty, or
 - (ii) persons other than Her Majesty, when such money or property was in the custody of the public officer in the course of his official duties, whether such loss is recovered or not;
- (f) “department” means a department, as defined in the Act, and any other division or branch of the public service designated by the Treasury Board as a department for the purposes of these regulations; and
- (g) “public officer” means any person employed in the service of a department or a Crown corporation to which these regulations apply and includes any person who collects or receives public money or is charged with the custody or management of property on behalf of such department or Crown corporation.

Account

3. (1) There is hereby established an account in the Consolidated Revenue Fund to be known as the Public Officers Guarantee Account.

(2) The Account shall be credited with

- (a) the balance of the Government Officers Guarantee Fund,
- (b) premiums received from departments and Crown corporations as hereinafter provided,
- (c) amounts recovered by Her Majesty in respect of payments out of the Account or the Government Officers Guarantee Fund, and
- (d) moneys appropriated by Parliament for the purposes of the Account.

(3) The Account shall be charged with payments in respect of defalcations of public officers as hereinafter provided.

(4) The Account shall be administered by the Minister of Finance.

Defalcations

4. Whenever a public officer has reason to believe that there has been a defalcation he shall forthwith notify the appropriate Minister who shall forthwith,

- (a) in consultation with the Deputy Minister of Justice, take such steps as may be necessary to recover the amount of the defalcation, and
- (b) submit to the Treasury Board such information as is known to him in respect of such defalcation.

Financial Administration Act—continued

5. (1) Every public officer by reason of whose defalcation a loss is suffered shall be prosecuted, unless the appropriate Minister, after consultation with the Deputy Minister of Justice, directs that a prosecution shall not be undertaken.

(2) The appropriate Minister shall submit to the Treasury Board a report in respect of each case under subsection (1)

- (a) in which a prosecution is not undertaken setting forth the reasons therefor, or
- (b) in which a prosecution is undertaken and full restitution is made.

6. (1) Every payment made out of the Account is subject to the prior approval of the Treasury Board and to such terms and conditions as the Treasury Board may prescribe.

(2) Every application to the Treasury Board for the approval of a payment out of the Account shall be made in writing by the appropriate Minister and shall include the following statements:

- (a) the account or person that has suffered loss;
- (b) the name and position of the public officer by reason of whose defalcation the loss was suffered;
- (c) the amount of the loss,
- (d) the measures taken to effect recovery, the amount recovered, if any, and the probability of further recovery,
- (e) whether prosecution has been undertaken and, if so, the results of the prosecution,
- (f) other action taken to punish or discipline the public officer by reason of whose defalcation the loss was suffered,
- (g) the safeguards adopted to prevent further defalcations under similar circumstances, and
- (h) the legal and other costs incurred in connection with the measures taken to effect recovery.

(3) In order to reimburse an appropriation or revenue account that has suffered loss through the defalcation of a public officer, before the close of the fiscal year in which the loss was suffered, the Treasury Board, on the recommendation of the Minister of Finance, may waive the requirements of subsection (2) and approve payment, but the appropriate Minister shall

- (a) submit any statements required under subsection (2) that are not available at the time of application as soon as possible after payment, and
- (b) submit a report on the case with such information and in such detail as the Treasury Board may require, within three months after payment and quarterly thereafter until the statements required under subsection (2) have been submitted.

(4) Unless the Treasury Board otherwise directs, the legal expenses and other costs incurred in connection with any measures taken to effect recovery of any loss shall be borne by the department or Crown corporation concerned.

Financial Administration Act—continued

Application

7. (1) These regulations apply to the departments to which the Act applies, except

- (a) the Post Office Department, and
- (b) Annuity Representatives, Department of Labour.

(2) These regulations apply to the Crown corporations listed in Schedules C and D to the Act, except

- (a) Canadian National Railways,
- (b) Canadian National (West Indies) Steamships, Limited,
- (c) Central Mortgage and Housing Corporation,
- (d) Trans-Canada Air Lines, and
- (e) Canadian Broadcasting Corporation.

(3) For the purposes of these regulations the Office of the Custodian of Enemy Property is designated as a department, and the Secretary of State the appropriate Minister in respect thereof.

General

8. (1) The Minister of Finance shall review annually the state of the Account and shall recommend to the Treasury Board such measures as in his opinion are required to ensure that the Account is sufficient to meet the charges that may be made against it.

(2) A department or Crown corporation to which these regulations apply shall, whenever required by the Treasury Board, make such payments to the Account by way of premiums or contributions, out of moneys available for the purpose, and comply with such other terms and conditions as the Board may require.

(3) Until the Treasury Board otherwise directs, no premiums or contributions shall be assessed against the departments and Crown corporations to which these regulations apply.

12. Prevailing Rate Employees General Regulations

Extract from the Minutes of a meeting of the Honourable the Treasury Board, held at Ottawa, on November, 10, 1954.

T.B. 478800

The Treasury Board, under the authority of section 7 of the Financial Administration Act, is pleased to order as follows, effective December 1, 1954:

1. The Prevailing Rate Employees General Regulations made on the 27th day of November, 1953, by Treasury Board Minute 458000, as amended, are hereby revoked; and

2. The annexed Prevailing Rate Employees General Regulations are hereby made in substitution therefor.

PREVAILING RATE EMPLOYEES GENERAL REGULATIONS
SHORT TITLE

1. These regulations may be cited as the *Prevailing Rate Employees General Regulations*.

Financial Administration Act—continued

INTERPRETATION

2. In these regulations,

- (a) “deputy head” has the same meaning as that expression has in the *Civil Service Act*, and includes any person authorized by the deputy head to act on his behalf for the purposes of these regulations;
- (b) “employee” means an employee to whom these regulations apply;
- (c) “employment in the Public Service” means any employment the compensation for which is paid out of the Consolidated Revenue Fund or under the supervision of the Comptroller of the Treasury;
- (d) “extra pay” means any premium payment, shift differential bonus, or other allowances paid by way of compensation for services rendered during the working hours making up the standard work week in addition to normal pay, but a differential paid in respect of supervisory duties shall be considered as normal pay after it has been paid for a continuous period of six months;
- (e) “fiscal year” means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (f) “Minister” means the minister charged with responsibility for the department, branch or portion of the Public Service in which the employee is or was employed;
- (g) “month” means a complete calendar month commencing with the 1st day of each of the twelve calendar months;
- (h) “normal number of working hours” with reference to a day, means the number of working hours determined by the Treasury Board under section 4 that an employee is ordinarily required to work during that day;
- (i) “normal pay” means the wages ordinarily paid to an employee by way of compensation for work performed during the working hours making up the standard work week;
- (j) “overtime” means time worked by an employee in a work week in excess of the standard work week;
- (k) “short term project” means a project which, before work on it is begun, is expected to continue for a period of twelve months or less; and
- (l) “standard work week” means a standard work week determined by the Treasury Board under section 4.

APPLICATION

3. (1) These regulations apply to persons employed in the Public Service of Canada whose remuneration is based on rates of pay prevailing in the area of their employment for the class of work they do, or who are paid rates of pay based on rates of pay prevailing in any area in Canada for work comparable to the class of work they do, but do not apply to persons who are

- (a) in receipt of a stated annual salary, or
- (b) employed part time in classifications established pursuant to the *Civil Service Act* whose rate of remuneration, although not a stated annual salary, has been determined by reference to the stated annual salary established pursuant to the *Civil Service Act* for those classifications.

Financial Administration Act—continued

(2) For the purpose of applying these regulations in respect of payment for periods of leave or holidays with pay to an employee whose remuneration has been fixed at a rate other than an hourly rate, he shall be deemed to be paid an hourly rate calculated by dividing the rate paid to him

- (a) in the case of a daily rate, by the normal number of working hours for the day,
- (b) in the case of a weekly rate, by the number of hours in his standard work week, and
- (c) in the case of a monthly rate, by a figure that is four and one-third times the number of hours in his standard work week.

HOURS OF WORK, RATES OF PAY AND OVERTIME PAYMENTS

4. The Treasury Board shall, on the recommendation of the deputy head concerned, determine, for employees in each unit in the Public Service,

- (a) a work week which shall commence on such day of the week as may be designated;
- (b) a standard work week which shall be the number of hours that the employees are ordinarily required to work during the work week determined; and
- (c) a normal number of working hours for each day in the work week determined, which shall be the number of hours that the employees are ordinarily required to work on that day.

Rates of Pay for Normal Number of Working Hours in Work Week

5. (1) The rate of normal pay and the rate and conditions of payment of extra pay for employees in each unit of the Public Service shall be fixed by the Treasury Board after consultation with the Department of Labour.

(2) Where an increase in wage rate is approved by the Treasury Board with effect from a date prior to the date of approval, the difference between the new rate and the old rate may be paid in respect of work performed during the period between the effective date and the date of approval to

- (a) an employee on strength on the date the new rate is approved,
- (b) a former employee whose services have been terminated during the said period because of
 - (i) lay-off due to lack of work,
 - (ii) resignation due to a *bona fide* illness, or
 - (iii) retirement on account of age, or
- (c) the estate of a former employee who has died during the said period.

(3) No payment under subsection (2) may be made to or in respect of a former employee unless application is made to the deputy head of the relevant department by him, or, in case of death, by his personal representative, within six months after the date on which the Treasury Board has approved the increase in wage rate.

(4) Where an employee, who is a contributor under the *Public Service Superannuation Act*, ceases to be employed on account of age, and his application under subsection (3) for payment is not received by the deputy head of the relevant department before his benefits under the *Public Service Superannuation Act* are determined, the payment shall not affect the amount of the said benefits.

Financial Administration Act—continued*Payment for Overtime Work*

6. Wages shall not be paid to an employee at a rate other than the rate for work performed during normal working hours unless a standard work week for the employees has been determined by the Treasury Board under section 4.

7. Where the standard work week of an employee is less than forty-four hours, he shall be paid for each completed hour of overtime until he has worked forty-four hours during the week at the rates of normal pay and extra pay, if any, payable to him for that work as if it had been performed during working hours making up the standard work week and for each completed hour of overtime thereafter at one and one-half times those rates.

8. Where the standard work week of an employee is forty-four hours or more, he shall be paid for each completed hour of overtime at a rate equal to one and one-half times the rates of normal pay and extra pay, if any, payable to him for that work as if it had been performed during working hours making up the standard work week.

9. For the purposes of sections 7 and 8, where an employee is paid on the basis of a monthly rate, his hourly rate of normal pay for the number of hours in the standard work week shall be calculated by dividing his normal monthly salary by a figure which is four and one-third times the number of hours in his standard work week.

10. (1) Where an employee receives wages under section 11 or 12 in respect of one or more of the holidays specified in section 11, or in respect of an additional holiday that is designated specifically by the Treasury Board, or where an employee is absent for not more than one day on approved leave with pay granted in accordance with these regulations or the *Reserve Forces Training Leave Regulations*, he shall, for the purpose of calculating the number of hours of overtime work, be deemed to have worked on that day the normal number of working hours for the day.

(2) Where an employee is initially employed on a day other than the first day of his work week, he may, for the purpose of calculating the number of hours of overtime work performed by him during his initial work week, be deemed to have worked, on each of the days in that work week prior to his initial employment, the normal working hours for those days.

HOLIDAYS WITH PAY

11. (1) The following days shall be granted to employees as holidays with pay:

New Year's Day
Good Friday
Dominion Day
Labour Day
Thanksgiving Day
Christmas Day

and one other holiday to be selected by the deputy head from among the remaining holidays observed in the area of employment.

Financial Administration Act—continued

(2) In addition to the holidays specified in subsection (1), the Minister may grant to employees not more than two holidays with pay having regard to the practice generally prevailing in the area in which they are employed for persons employed by private employers on similar classes of work.

(3) Where an employee works or is on leave with pay granted in accordance with these regulations or the *Reserve Forces Training Leave Regulations* on the last working day before, and works or is on such leave on the first working day after, one of the holidays mentioned in subsection (1) or (2), or such additional holiday with pay as may be designated specifically by the Treasury Board, he may be paid wages for the holiday at his rate of normal pay for the normal number of working hours that he would have worked on that day if it had not been a holiday.

(4) Where a holiday specified in subsection (1) or (2), or an additional holiday with pay as may be designated specifically by the Treasury Board, occurs while an employee is on leave with pay granted in accordance with these regulations or the *Reserve Forces Training Leave Regulations*, he shall be deemed not to be on leave with pay on that day.

12. (1) Where an employee is required by the deputy head to work on one of the holidays specified in section 11 or on any additional holiday with pay that may be designated specifically by the Treasury Board, he may be paid

- (a) at a rate of pay equal to twice his normal rate of pay and extra pay, if any, in respect of the hours actually worked by him on that day, and
- (b) at a rate of pay equal to his normal rate of pay for the remainder of the normal number of hours that he would have worked on that day if it had not been a holiday.

(2) Notwithstanding subsection (1), where the deputy head is of opinion that it is not practicable to apply the provisions of that subsection in any case, he may direct that the employee be credited with compensatory leave equal to,

- (a) where the employee works for a period of four hours or less on the holiday, one-twelfth of the number of hours in his standard work week, or four hours, whichever is longer, or
- (b) where the employee works for a period of more than four hours on the holiday, one-sixth of the number of hours in his standard work week, or eight hours whichever is longer.

(3) Where the deputy head directs that an employee be credited with compensatory leave in accordance with subsection (2), the employee, in addition to being credited with such leave, may be paid

- (a) at a rate of pay equal to his normal rate of pay and extra pay, if any, in respect of the hours actually worked on that day, and
- (b) at a rate of pay equal to his normal rate of pay for the remainder of the normal number of hours that he would have worked on that day if it had not been a holiday.

13. Where an employee, who is required by the deputy head to work on one of the holidays specified in section 11 or on any additional holiday with pay that may be designated specifically by the Treasury Board, but fails to so work, unless he fails to do so for a reason beyond his control that is acceptable to the deputy head, no wages shall be paid to him for that holiday.

Financial Administration Act—continued

VACATION LEAVE

Accumulation of Vacation Leave Credits

14. (1) Vacation leave credits accrue to an employee for each month during which he is continuously employed as follows:

- (a) for each of the first twelve months, one-twelfth of the number of hours in his standard work week;
- (b) for each of the twelve months following the period specified in paragraph (a), one-eighth of the number of hours in his standard work week;
- (c) for each month following the period specified in paragraph (b), until twenty-five years' service has been completed, one-sixth of the number of hours in his standard work week; and
- (d) for each month following the period specified in paragraph (c), one-quarter of the number of hours in his standard work week.

(2) For the purposes of subsection (1) the standard work week shall be the standard work week which is in effect on the last day of each relevant month.

(3) For the purpose of determining the vacation leave credits of an employee, his total past employment in the Public Service may be counted, unless

- (a) he was not employed in the Public Service, at any time, for a period in excess of three months, or
- (b) he was discharged for cause, or voluntarily resigned, from his employment in the Public Service.

(4) For the purpose of determining the vacation leave credits of an employee to whom paragraph (a) or (b) of subsection (3) applies, his past employment in the Public Service commencing immediately after he is re-employed therein may only be counted.

(5) For the purpose of determining the vacation leave credits of an employee who is employed in the Public Service on a seasonal basis, he is deemed to be, or to have been, continuously employed therein for the period or periods during which he worked if he is, or was, employed therein for consecutive seasons commencing with the second season.

Absence Without Leave

15. (1) Where an employee is absent from work without leave of the deputy head for a period of one complete working day longer than the vacation leave credits that accrued to him on the day before his absence began for which he might have been granted vacation leave, unless he is absent for a reason beyond his control which is acceptable to the deputy head, he shall be deemed to have resigned voluntarily at the beginning of the day he first became absent.

(2) An employee to whom subsection (1) applies, who is deemed to have resigned, shall be deemed, for the purposes of these regulations, to be initially employed on the day he returns to work after his absence.

Financial Administration Act—continued

Expiration of Vacation Leave Credits

16. (1) Subject to subsections (2) and (3), vacation leave credits expire when vacation leave is granted in respect thereof or at the end of the fiscal year in which the vacation leave credits accrued, whether or not vacation leave has been granted in respect thereof.

(2) Vacation leave credits of an employee in respect of which the deputy head has been unable to grant vacation leave within the fiscal year in which they have accrued, or vacation leave credits of an employee who has not completed six months' service at the end of the fiscal year, shall not expire until the end of the fiscal year following that in which they have accrued.

(3) Where the deputy head is of opinion that it is in the best interests of his department to do so, he may allow the vacation leave credits of an employee that have accumulated during or in respect of one fiscal year to be added to the vacation leave credits of that employee for the next ensuing fiscal year.

Deputy Head may grant Vacation Leave

17. (1) Subject to subsections (2) and (3), the deputy head may grant vacation leave with pay to an employee in each year of his employment for a number of working days not longer than the unexpired vacation leave credits that have accrued to him at the time the leave is granted together with any additional vacation leave credits that may accrue to the employee prior to the end of the fiscal year in which the leave is granted.

(2) Vacation leave with pay shall not be granted to an employee

(a) during the first six months of his employment, or

(b) at a time when, in the opinion of the deputy head, his absence would unduly impede the work of the department.

(3) The deputy head may refuse to grant vacation leave for the whole or any part of the unexpired vacation leave credits that have accrued to an employee if in the opinion of the deputy head the attendance, punctuality or conduct of the employee has been unsatisfactory, and where the deputy head so refuses to grant vacation leave, the vacation leave credits of the employee, equal to the vacation leave that the deputy head refuses to grant, shall be deemed to have expired.

18. Vacation leave with pay granted to an employee shall be granted, firstly, in respect of vacation leave credits of the employee for the fiscal year in which the vacation leave is granted and secondly, when the vacation leave credits for that year are exhausted, in respect of vacation leave credits that accrued during the preceding fiscal year and have not expired.

Separation from Employment before Six Months of Service

19. Where the employment of an employee is terminated for any reason before he has completed six months of service, he shall be paid, if he has at least one month of continuous service, a gratuity, in lieu of any vacation leave credits that have accrued to him, equal to the aggregate of

(a) two per cent of the total normal pay that was paid to him during the period of his employment, and

Financial Administration Act—continued

- (b) wages at the rate of normal pay for any compensatory leave credits that have accrued to him at the time his employment is terminated.

Separation from Employment after Six Months of Service

20. Where the employment of an employee is terminated for any reason other than dismissal for cause or voluntary resignation after he has completed six months' service,

- (a) if the employee was engaged for work on a short term project, the termination of employment is not effective until the end of a period of vacation leave after he ceases to work equal to the total unexpired vacation leave credits that have accrued to him on the day he ceases to work, and
- (b) if the employee was engaged for work other than work on a short term project, the termination of employment is not effective until the end of a period of vacation leave after he ceases to work equal to the total unexpired vacation leave credits that have accrued to him on the day he ceases to work together with the additional vacation leave credits in respect of which he has not already been granted vacation leave that would have accrued to him under section 14 if he had continued to be employed during the fiscal year in which his employment is terminated.

21. Where an employee is dismissed for cause or voluntarily resigns, his employment is deemed to be terminated at the end of a period of vacation leave after he ceases to work equal to the unexpired vacation leave credits that have accrued to him on the day he ceases to work.

Recoveries

22. (1) Where an employee, who is dismissed for cause or voluntarily resigns, has been granted vacation leave in respect of vacation leave credits that had not accrued to him at the time his employment is terminated, an amount equal to the amount of wages paid to him for the vacation leave in respect of the vacation leave credits that had not accrued to him shall be retained from any amount payable to him by or on behalf of Her Majesty at the time his employment is terminated.

(2) Where an employee whose employment is terminated was granted vacation leave in respect of vacation leave credits that had not accrued to him at the time his employment terminated and he is re-employed in the Public Service in the same fiscal year in which his employment was terminated, it shall be a condition of his re-employment that he pay to the Receiver General of Canada an amount equal to the amount of wages paid to him for vacation leave in respect of the vacation leave credits that had not accrued to him at the time his employment was terminated, and if he fails to pay that amount, it shall be retained from any amount that is or may at any time become payable to him by or on behalf of Her Majesty.

Special Leave

23. (1) Subject to subsection (2), the deputy head may grant to an employee special leave with pay for a number of consecutive working days not exceeding three in the following circumstances:

Financial Administration Act—continued

- (a) marriage of the employee, if male;
- (b) death of the parent, wife, husband, child, brother or sister of the employee;
- (c) where the employee is subpoenaed as a witness by a court, tribunal, board, commission or other body having the power to summon and compel the attendance of witnesses;
- (d) where the employee is required to attend for jury duty;
- (e) where the employee reports for medical examination with a view to enrolment in the regular forces;
- (f) where the employee presents himself for examination in connection with a competition conducted by the Civil Service Commission or by some other competent body approved by the deputy head; and
- (g) the occasion mentioned in subsection (2).

(2) Special leave shall not be granted to an employee during the first six months of his service, except where the employee, being a veteran who is required by the Department of Veterans Affairs to report for observation, attends for that purpose.

(3) For the purposes of this section, where an employee is employed in the Public Service on a seasonal basis, he is deemed to be continuously employed therein for the period or periods during which he worked, if he is employed therein for consecutive seasons commencing with the second season.

24. Wages may be paid to an employee in respect of a period of special leave granted under section 23 at the rate of normal pay for work performed during normal working hours on the day immediately preceding the commencement of the special leave, but no amount of wages may be paid in excess of the amount of wages that would have been paid to the employee if he had worked the normal number of working hours during the period of special leave.

Sick Leave

25. The following provisions with respect to sick leave apply to employees:

- (a) sick leave credits accrue to an employee at the rate of one-eighth of the number of hours in his standard work week for each month during which he is continuously employed;
- (b) the deputy head may grant to an employee who has at least six months' service, sick leave with pay for the period of sick leave credits that have accrued to the employee under paragraph (a), but the normal number of hours of work within the first twenty-four hours of each absence from work because of illness shall be without pay;
- (c) sick leave credits that have accrued to an employee prior to the 1st day of April, 1949, under the authority of
 - (i) Order in Council P.C. 272/1050, dated the 22nd day of March, 1947.
 - (ii) departmental regulations, or
 - (iii) other competent authority,
 shall be subject to the condition that the normal number of hours of work within the first twenty-four hours of each absence from work because of illness shall be without pay;

Financial Administration Act—continued

- (d) absence during the normal hours of work within the first twenty-four hours of each separate illness shall be deemed not to be sick leave for the purposes of this section;
- (e) the first day of absence on leave without pay because of illness, if immediately preceded, or immediately followed, by a holiday with pay specified in section 11, or by any additional holiday with pay designated specifically by the Treasury Board, shall not interfere with the payment of wages for that holiday if a medical certificate as hereinafter provided is supplied;
- (f) sick leave may be granted only on the production of satisfactory evidence of the inability of an employee to perform his duties because of illness by a written declaration submitted by the employee to the deputy head in form CSC-263 where the absence does not exceed three working days, or where the absence exceeds three working days, a certificate from a qualified medical practitioner in form NH&W-500 submitted to the deputy head within seven working days after the beginning of each absence, and the probable date of return to duty of the employee shall be indicated in form NH&W-500;
- (g) the deputy head may, if it appears to him to be in the best interests of his department to do so, require that a certificate in form NH&W-500 be submitted within any number of working days less than the number of working days specified in paragraph (f);
- (h) where an employee fails to report for duty on the probable date of his return to duty indicated in the certificate in form NH&W-500, he shall be deemed not to be absent because of illness on or after that date, unless a further certificate in form NH&W-500 is submitted to the deputy head;
- (i) the deputy head shall send every certificate in form NH&W-500 that is received by him under this section to the Civil Service Health Division of the Department of National Health and Welfare and the Chief of that Division shall notify the deputy head if in his opinion the illness certified did not render the employee unable to perform his duties;
- (j) for the purposes of this section where an employee is employed in the Public Service on a seasonal basis, he is deemed to be continuously employed therein for the period or periods during which he worked, if he is employed therein for consecutive seasons commencing with the second season, and sick leave credits may be carried forward to ensuing seasons of employment.

*Accumulation of Leave Credits during
Periods of Leave Without Pay*

26. (1) Where an employee, with leave of the deputy head, is absent from work without pay due to an injury sustained by him in the course of his employment, vacation and sick leave credits shall continue to accrue to the employee during such absence.

(2) Where an employee, with leave of the deputy head, is absent from work without pay due to illness in respect of which a certificate in form NH&W-500 has been submitted,

Financial Administration Act—continued

- (a) if the period during which he is so absent is less than four standard work weeks, vacation and sick leave credits shall continue to accrue to the employee during such absence, and
- (b) if the period during which he is so absent is or exceeds four standard work weeks, vacation and sick leave credits shall not accrue to the employee for the period of such absence in excess of four standard work weeks.

(3) Where an employee, with leave of the deputy head, is absent from work without pay for a reason other than a reason specified in subsection (1) or (2),

- (a) if the period during which he is so absent is less than seven working days, vacation and sick leave credits shall continue to accrue to the employee during such absence,
- (b) if the period during which he is so absent is or exceeds seven working days but is less than four standard work weeks, vacation and sick leave credits shall not accrue to the employee for the month in which his absence commenced, and
- (c) if the period during which he is so absent is or exceeds four standard work weeks, vacation and sick leave credits shall not accrue to the employee for the month or months in which he is so absent for a period in excess of seven working days.

TRANSFER FROM CIVIL SERVICE TO PREVAILING RATE STATUS

27. (1) Subject to subsection (2), where a civil servant is transferred from classified civil service status to prevailing rate status, any unexpired vacation, compensatory or sick leave credits of the civil servant may be retained by him if the transfer occurs as a result of

- (a) the reclassification of his position by the Civil Service Commission to a prevailing rate position;
- (b) the abolition of his civil service position and his immediate re-employment in the Public Service as a prevailing rate employee; or
- (c) the selection of the civil servant as a successful candidate in a competition conducted by the Civil Service Commission or other competent body for the purpose of filling a prevailing rate position.

(2) Where the transfer from civil service status to prevailing rate status is made at the request of the civil servant, he shall forfeit all vacation, compensatory and sick leave credits he has at the time of transfer.

GENERAL

28. Leave with pay may not be granted to an employee except in accordance with these regulations.

29. The Treasury Board may direct the manner in which these regulations apply in any case of doubt or may direct that these regulations do not apply to any employee or class of employees.

Financial Administration Act—continued**13. Ships' Crews Regulations**

Extract from the Minutes of a meeting of the Treasury Board, held at Ottawa, on November 10, 1954.

T.B. 478801

The Treasury Board, under the authority of section 7 of the Financial Administration Act, is pleased to order as follows, effective, December 1, 1954.

1. The Ships' Crews Regulations made on the 30th day of June, 1954, by Treasury Board Minute 469600, as amended, are hereby revoked;

2. The annexed Ships' Crews Regulations are hereby made in substitution therefor; and

3. The Prevailing Rate Employees General Regulations do not apply to any person to whom the Ships' Crews Regulations apply.

REGULATIONS RESPECTING GOVERNMENT SHIPS' CREWS**SHORT TITLE**

1. These regulations may be cited as the *Ships' Crews Regulations*.

INTERPRETATION

2. (1) In these regulations,

(a) "department" means

(i) a department named in Schedule "A", and

(ii) any other division, branch or portion of the public service designated by the Treasury Board as a department for the purposes of these regulations;

(b) "deputy head" means the deputy of the Minister of the Crown, the chairman, president or other chief executive officer presiding over the department, division, branch or portion of the public service in which an employee is employed, and includes any person authorized by the deputy head to act on his behalf for the purposes of these regulations;

(c) "employee" means an employee to whom these regulations apply;

(d) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;

(e) "Minister" means the Minister of the Crown charged with the responsibility for the department, division, branch or portion of the public service in which an employee is employed; and

(f) "month" means a complete calendar month commencing with the first day of each of the twelve calendar months.

(2) An employee whose salary, remuneration or other compensation is paid out of the Consolidated Revenue Fund or under the supervision of the Comptroller of the Treasury is deemed to be employed in the public service for the purposes of these regulations.

Financial Administration Act—continued

APPLICATION

3. (1) These regulations apply in respect of every person employed in the public service for duty in or on a ship that is the property of or chartered by or on behalf of Her Majesty as an unlicensed crew member.

- (2) These regulations do not apply to any person who is a member of
- (a) the regular forces, or
 - (b) the Royal Canadian Mounted Police.

BASIS OF PAYMENT

4. (1) The rate of salary of an employee or class of employees shall be determined or approved in terms of a monthly rate by the Treasury Board after consultation with the Department of Labour.

(2) In addition to any other remuneration, compensation or other benefits provided by these regulations,

- (a) rations and living quarters may be provided to an employee during the time he is actually employed aboard ship, or
- (b) where rations and quarters are not provided to an employee during the time he is actually employed aboard ship, he may be paid an allowance, to be fixed by the Treasury Board, in lieu thereof, if it is customary to supply rations and quarters on such ship.

(3) For the purposes of the *Public Service Superannuation Act*, the value of rations and quarters or any allowance in lieu of rations and quarters shall be deemed not to be salary or any part of salary of an employee.

5. (1) Where an increase in rate of salary is determined or approved by the Treasury Board for or in respect of any employee or class of employees, with effect from a date prior to the date of determination or approval, the difference between the new rate and the old rate may be paid in respect of work performed during the period between the date of determination or approval and the effective date to

- (a) an employee on strength on the date the new rate is determined or approved,
- (b) a former employee whose services have been terminated during the said period because of
 - (i) lay-off due to lack of work,
 - (ii) resignation due to a *bona fide* illness, or
 - (iii) retirement on account of age, or
- (c) the estate of a former employee who died during the said period.

(2) No payment under subsection (1) may be made to or in respect of a former employee unless application is made to the deputy head of the relevant department by him or, in case of death, by his personal representative, within six months after the date on which the Treasury Board has determined or approved the increase in rate of salary.

(3) Where an employee who is a contributor under the *Public Service Superannuation Act* is retired on account of age, and his application under subsection (2) for payment is not received by the deputy head of the relevant department before his benefits under that Act are determined, the payment shall not affect the amount of the said benefits.

Financial Administration Act—continued*Work in excess of forty hours per week*

6. (1) Subject to subsection (2), where an employee is required to perform duties and does perform duties, for a period in excess of forty hours in a week, he may, with the approval of the deputy head, be paid, in respect of that period, one one-hundred and seventy-sixth of the monthly rate of salary determined or approved by the Treasury Board, pursuant to subsection (1) of section 4, for that employee or for the class of employees of which he is a member, for each hour in that period.

(2) In lieu of the payments that by subsection (1) may be made to an employee, the deputy head may, in his discretion, grant compensatory leave to the employee for a period equal to the period during which that employee performed duties in excess of forty hours in a week.

HOLIDAYS WITH PAY

7. (1) The following days shall be granted to an employee as holidays with pay:

New Year's Day
Good Friday
Dominion Day
Labour Day
Thanksgiving Day
Christmas Day

and one other holiday to be selected by the deputy head from among the remaining holidays observed in the area of employment.

(2) In addition to the holidays specified in subsection (1), the Minister may grant to an employee not more than two holidays with pay having regard to the practice generally prevailing in the area in which he is employed for persons employed by private employers in a similar class of work.

(3) Where a holiday specified in this section, or an additional holiday with pay that may be specifically designated by the Treasury Board, occurs while an employee is on leave with pay granted in accordance with these regulations or the *Reserve Forces Training Leave Regulations*, he shall be deemed not to be on leave with pay on that day.

(4) Where an employee is required, by the deputy head, to be on duty on a holiday mentioned in this section there may accrue to the employee, if he is on duty on such day,

- (a) vacation leave credits of one-half day, where he is required to be on duty on a holiday for a period of four hours or less, or
- (b) vacation leave credits of one day, where he is required to be on duty on a holiday for a period of more than four hours.

VACATION LEAVE

8. (1) Vacation leave credits shall accrue to an employee for each month during which he is continuously employed as follows:

- (a) five-twelfths of one day for each month during his first twelve months of employment,
- (b) five-eighths of one day for each of the twelve months following the period specified in paragraph (a) of this subsection,

Financial Administration Act—continued

(c) five-sixths of one day for each month following the period specified in paragraph (b) of this subsection, until twenty-five years' service has been completed, and

(d) one and one-quarter days for each month following the period specified in paragraph (c) of this subsection.

(2) Where an employee is on vacation leave with pay granted by the deputy head in accordance with these regulations, he shall be deemed to be engaged on the basis of a five-day forty-hour week.

(3) For the purpose of determining the vacation leave credits of an employee, his total past employment in the public service may be counted, unless

(a) he was not employed in the public service, at any time, for a continuous period in excess of three months, or

(b) he was dismissed for cause, or voluntarily resigned from his employment in the public service,

and for the purpose of determining the vacation leave credits of an employee to whom paragraph (a) or (b) applies, his past employment in the public service commencing immediately after he is re-employed therein may only be counted.

(4) For the purposes of this section, where an employee is employed in the public service on a seasonal basis, he is deemed to be continuously employed therein for the period or periods during which he worked, if he is employed therein for consecutive seasons commencing with the second season.

Absence Without Leave

9. (1) Where an employee is absent from work without leave of the deputy head for a period of one complete working day longer than the vacation leave credits that accrued to him on the day before his absence began for which he might have been granted vacation leave, unless he is absent for a reason beyond his control which is acceptable to the deputy head, he shall be deemed to have resigned voluntarily at the beginning of the day he first became absent.

(2) An employee to whom subsection (1) applies who is deemed to have resigned, shall be deemed for the purposes of these regulations to be initially employed on the day he returns to work after his absence.

Expiration of Vacation Leave Credits

10. (1) Subject to subsections (2) and (3) vacation leave credits expire when vacation leave is granted in respect thereof or at the end of the fiscal year in which the vacation leave credits accrued, whether or not vacation leave has been granted in respect thereof.

(2) Vacation leave credits of an employee in respect of which the deputy head has been unable to grant vacation leave within the fiscal year in which they have accrued, or vacation leave credits of an employee who has not completed six months' service at the end of a fiscal year, shall not expire until the end of the fiscal year following that in which they have accrued.

(3) Where the deputy head is of opinion that it is in the best interests of his department to do so, he may allow the vacation leave credits of an

Financial Administration Act—continued

employee that have accumulated during or in respect of one fiscal year to be added to the vacation leave credits of that employee for the next ensuing fiscal year.

Deputy Head May Grant Vacation Leave

11. (1) Subject to subsections (2) and (3), the deputy head may grant vacation leave to an employee in each year of his employment for a number of working days not longer than the unexpired vacation leave credits that have accrued to him at the time the leave is granted together with any additional vacation leave credits that may accrue to the employee prior to the end of the fiscal year in which the leave is granted.

(2) Vacation leave shall not be granted to an employee

(a) during the first six months of his employment, or

(b) at a time when, in the opinion of the deputy head, his absence would unduly impede the work of the department.

(3) The deputy head may refuse to grant vacation leave for the whole or any part of the unexpired vacation leave credits that have accrued to an employee if, in the opinion of the deputy head, the attendance, punctuality or conduct of the employee has been unsatisfactory, and where the deputy head so refuses to grant vacation leave, the vacation leave credits of the employee equal to the vacation leave that the deputy head refuses to grant, shall be deemed to have expired.

(4) Vacation leave granted to an employee shall be granted, firstly in respect of vacation leave credits of the employee for the fiscal year in which the vacation leave is granted and, secondly when the vacation leave credits for that year are exhausted in respect of vacation leave credits that accrued during the preceding fiscal year and have not expired.

Separation of Employment Before Six Months of Service

12. Where the employment of an employee is terminated for any reason before he has completed six months' service he shall be paid, if he has at least one month of continuous service, a gratuity in lieu of any vacation leave credits that have accrued to him equal to the aggregate of

(a) two per cent of the total normal pay that was earned by him during the period of his employment, and

(b) pay at the rate of one twenty-second of his monthly salary for each day of compensatory leave credits that have accrued to him at the time his employment is terminated.

Separation From Employment After Six Months of Service

13. (1) Where the employment of an employee is terminated for any reason other than dismissal for cause or voluntary resignation after he has completed six months service,

(a) if the employee was engaged for work for a period of less than twelve months, the termination of employment is not effective until the end of a period of vacation leave after he ceases work, equal to the total of unexpired vacation leave credits that have accrued to him on the day he ceases work, and

(b) if the employee was engaged for work for a period of twelve months or more, the termination of employment is not effective until the end of a period of vacation leave after he ceases work,

Financial Administration Act—continued

equal to the total of unexpired vacation leave credits that have accrued to him on the day he ceases work, together with the additional vacation leave credits in respect of which he has not already been granted vacation leave that would have accrued to him under section 8 if he had continued to be employed during the fiscal year in which his employment is terminated.

(2) Where an employee is dismissed for cause or voluntarily resigns his employment is deemed to be terminated at the end of a period of vacation leave after he ceases work equal to the unexpired vacation leave credits that have accrued to him on the day he ceases work.

Recoveries

14. (1) Where an employee, who is dismissed for cause or voluntarily resigns, has been granted vacation leave in respect of vacation leave credits that have not accrued to him at the time his employment is terminated, an amount equal to the amount of salary paid to him for the vacation leave in respect of the vacation leave credits that had not accrued to him shall be retained from any amount payable to him by or on behalf of Her Majesty at the time his employment is terminated.

(2) Where an employee whose employment is terminated was granted vacation leave in respect of vacation leave credits that had not accrued to him at the time his employment is terminated, and he is re-employed in the public service during the same fiscal year in which his employment was terminated, it shall be a condition of his re-employment that he pay to the Receiver General of Canada an amount equal to the amount of salary paid to him for vacation leave in respect of vacation leave credits that had not accrued to him at the time his employment was terminated, and if he fails to pay that amount, it shall be retained from any amount that is or may at any time become payable to him by or on behalf of Her Majesty.

(3) Where recovery is to be made in accordance with subsection (2), the appropriate amount shall be paid or retained, as the case may be, at the rate of one twenty-second of the normal monthly salary of the employee for each day during which he was on vacation leave in respect of which vacation leave credits had not accrued to him.

(4) Subject to subsection (2), where an employee is, or was, on leave of absence for any period during or in respect of which he should not have been paid salary, the amount of salary which should not have been paid to him shall be recovered as if it were an amount of salary paid to the employee for vacation leave in respect of vacation leave credits that had not accrued to him.

Sick Leave

15. (1) Sick leave credits shall accrue to an employee at the rate of five-eighths of one day for each month during which he is continuously employed.

(2) Where an employee is on sick leave with pay granted by the deputy head in accordance with these regulations, he shall be deemed to be engaged on the basis of a five-day forty-hour week.

(3) The deputy head may grant to an employee sick leave with pay for the number of days of sick leave credits that have accrued to him

(a) under subsection (1), and

(b) under any other competent authority prior to the coming into force of these regulations.

Financial Administration Act—continued

(4) The deputy head may grant to an employee who has at least six months' service, sick leave with pay for the period of sick leave credits that have accrued to the employee, but the normal number of hours of work within the first twenty-four hours of each absence from work because of illness shall be without pay.

(5) The first day of absence on leave without pay because of illness, if immediately preceded or immediately followed by a holiday with pay specified in section 7, or by any additional holiday with pay designated specifically by the Treasury Board, shall not interfere with the payment of salary for that holiday if a medical certificate as hereinafter provided is supplied.

(6) Sick leave may be granted only on the production of satisfactory evidence of the inability of an employee to perform his duties because of illness by a written declaration submitted by the employee to the deputy head in form CSC-263 where the absence does not exceed three working days, or where the absence exceeds three working days a certificate from a qualified medical practitioner in form NH&W-500 submitted to the deputy head within seven working days after the beginning of each absence, and the probable date of return to duty of the employee shall be indicated in form NH&W-500.

(7) The deputy head, if it appears to him to be in the best interests of his department to do so, may require that a certificate in form NH&W-500 be submitted in respect of any lesser number of days of absence on sick leave than the number of working days specified in subsection (6).

(8) Where an employee fails to report for duty on the probable date of his return to duty indicated in the certificate in form NH&W-500, he shall be deemed not to be absent because of illness on or after that date, unless a further certificate in form NH&W-500 is submitted to the deputy head.

(9) The deputy head shall send every certificate in form NH&W-500 that is received by him under this section to the Civil Service Health Division of the Department of National Health and Welfare and the Chief of that Division shall notify the deputy head if in his opinion the illness certified did not render the employee unable to perform his duties.

(10) For the purposes of this section, where an employee is employed in the public service on a seasonal basis, he is deemed to be continuously employed therein for the period or periods during which he worked, if he is employed therein for consecutive seasons commencing with the second season, and sick leave credits may be carried forward to ensuing seasons of employment.

Special Leave

16. (1) Subject to subsection (2), the deputy head may grant to an employee special leave with pay for a number of consecutive working days not exceeding three in the following circumstances:

- (a) marriage of the employee,
- (b) death of the parent, wife, husband, child, brother or sister of the employee,
- (c) where the employee is subpoenaed as a witness by a court, tribunal, board, commission or other body having the power to summon and to compel the attendance of witnesses,
- (d) where the employee is required to attend for jury duty;

Financial Administration Act—continued

- (e) where the employee is absent from duty for the purpose of undergoing medical examination with a view to enrolment in the regular forces,
- (f) where the employee presents himself for examination in connection with a competition conducted by the Civil Service Commission or by some other competent body approved by the deputy head, or
- (g) the occasion mentioned in subsection (2).

(2) Special leave shall not be granted to an employee during his first six months of service, except where the employee, being a veteran who is required by the Department of Veterans Affairs to report for observation, attends for that purpose.

(3) Where an employee is on special leave with pay granted by the deputy head in accordance with these regulations, he shall be deemed to be engaged on the basis of a five-day forty-hour week.

(4) For the purpose of this section where an employee is employed in the public service on a seasonal basis, he is deemed to be continuously employed therein for the period or periods during which he worked, if he is employed therein for consecutive seasons commencing with the second season.

Accumulation of Leave Credits During Period of Leave Without Pay

17. (1) Notwithstanding subsection (3), where an employee, with leave of the deputy head, is absent from work without pay due to an injury sustained by him in the course of his employment, vacation and sick leave credits shall continue to accrue to the employee during his absence.

(2) Notwithstanding paragraph (a) of subsection (3), where an employee, with leave of the deputy head, is absent from work without pay due to illness in respect of which a certificate in form NH&W-500 has been submitted, vacation and sick leave credits shall continue to accrue to the employee until the end of the month of his absence.

(3) Where an employee, with leave of the deputy head, is absent from work without pay for any period in excess of five consecutive working days, vacation and sick leave credits shall not accrue to him,

- (a) where the period during which he is so absent exceeds five working days, but does not exceed twenty-two working days, for a period of one month commencing on the first day of his absence, and
- (b) where the period during which he is so absent exceeds twenty-two working days, for the month or months in which he is so absent for a period in excess of five working days.

*Transfer from Civil Service Status or Prevailing Rate Status
to Unlicensed Crew Member Status*

18. (1) Subject to subsection (2), where a civil servant or a prevailing rate employee is transferred from civil service status or from prevailing rate status, as the case may be, to unlicensed crew member status, any unexpired vacation, compensatory or sick leave credits may be retained by him, if the transfer occurs as a result of

- (a) the exclusion of the position he occupies from the operation of the *Civil Service Act*;

Financial Administration Act—continued

- (b) the abolition of the civil service or prevailing rate position that he occupies and his immediate re-employment in the public service as an unlicensed crew member; or
- (c) a change of duties without a break in service.

(2) Where the transfer from civil service status to unlicensed crew member status is made at the request of the employee, he shall forfeit all vacation, compensatory and sick leave credits he has at the time of transfer.

(3) In this section

- (a) "civil servant" means an employee of Her Majesty who is in the "Civil Service" as defined in the *Civil Service Act*, and
- (b) "prevailing rate employee" means an employee to whom the *Prevailing Rate Employees General Regulations* apply.

Compensation for Loss of Personal Effects Resulting from Marine Disaster

19. Where an employee suffers loss of any clothing or personal effects because of a marine disaster or shipwreck, he may, with the approval of the Treasury Board, be reimbursed for the actual loss suffered by him.

GENERAL

20. Leave with pay shall not be granted to an employee except in accordance with these regulations.

21. Nothing in these regulations affects any obligation, duty or liability imposed on or incurred by any person by the *Canada Shipping Act* or any other Act of a like nature of the Parliament of Canada.

22. Nothing in these regulations affects or impairs the authority of the master of a ship while he is aboard his ship.

23. Notwithstanding sections 21 and 22, where there is any doubt as to the manner in which these regulations apply in any circumstances, the Treasury Board may resolve the doubt.

24. The Treasury Board may direct that these regulations do not apply to any person or class of persons.

Schedule "A"

Department of Fisheries

Department of Mines and Technical Surveys

Department of National Defence

Department of National Health and Welfare

Department of National Revenue

Department of Public Works

Department of Transport

Financial Administration Act—continued

14. Ships' Officers Regulations

Extract from the Minutes of a meeting of the Treasury Board, held at Ottawa, on November 18, 1954.

T.B. 478900

The Treasury Board, under the authority of section 7 of the Financial Administration Act, is pleased to order as follows, effective December 1, 1954:

1. The Ship's Officers Regulations made on the 30th day of June, 1954, by Treasury Board Minute 467500, as amended, are hereby revoked;

2. The annexed Ship's Officers Regulations are hereby made in substitution therefor; and

3. The Prevailing Rate Employees General Regulations do not apply to any person to whom Ship's Officers Regulations apply.

REGULATIONS RESPECTING GOVERNMENT SHIPS' OFFICERS

Short Title

1. These regulations may be cited as the *Ship's Officers Regulations*.

Interpretation

2. (1) In these regulations,

(a) "department" means

- (i) a department named in Schedule "A", and
- (ii) any other division, branch or portion of the public service designated by the Treasury Board as a department for the purposes of these regulations;

(b) "deputy head" means the deputy of the Minister of the Crown, the chairman, president or other chief executive officer presiding over the department, division, branch or portion of the public service in which an employee is employed, and includes any person authorized by the deputy head to act on his behalf for the purposes of these regulations;

(c) "employee" means an employee to whom these regulations apply;

(d) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;

(e) "Minister" means the Minister of the Crown charged with responsibility for the department, division, branch or portion of the public service in which an employee is employed; and

(f) "month" means a complete calendar month commencing with the first day of each of the twelve calendar months.

(2) An employee whose salary, remuneration or other compensation is paid out of the Consolidated Revenue Fund or under the supervision of the Comptroller of the Treasury is deemed to be employed in the public service for the purposes of these regulations.

Financial Administration Act—continued

APPLICATION

3. (1) These regulations apply in respect of every person employed in the public service for duty in or on a ship that is the property of or chartered by or on behalf of Her Majesty,

(a) as a master, mate or marine engineer who is duly certified under the *Canada Shipping Act* in respect of that employment, or

(b) in a position designated by the Treasury Board as that of a ship's officer for the purposes of these regulations.

(2) These regulations do not apply to any person who is a member of

(a) the regular forces, or

(b) the Royal Canadian Mounted Police.

BASIS OF PAYMENT

4. (1) The rate of salary of an employee or class of employees shall be determined or approved in terms of an annual rate by the Treasury Board after consultation with the Department of Labour.

(2) Where a ship is laid up during the non-navigation season an employee may, in the discretion of the deputy head, be paid salary at a rate equal to one-half the rate of salary established for him or for the class of which he is a member, unless the employee is required to perform maintenance or other duties on a full-time basis.

(3) In addition to any other remuneration, compensation, or other benefits provided by these regulations,

(a) rations and living quarters may be provided to an employee during the time he is actually employed aboard ship, or

(b) where rations and living quarters are not provided to an employee during the time he is actually employed aboard ship, he may be paid an allowance, to be fixed by the Treasury Board, in lieu thereof, if it is customary to supply rations and quarters on such ship.

(4) For the purpose of the *Public Service Superannuation Act*, the value of rations and living quarters and any allowance in lieu thereof shall be deemed not to be salary or any part of salary of an employee.

5. Where short-term rearrangements of staff are necessary, the Minister, when he considers it in the best interests of his department to do so, may approve the temporary promotion or demotion of an employee.

6. (1) Where an increase in rate of salary is determined or approved by the Treasury Board for or in respect of any employee or class of employees, with effect from a date prior to the date of determination or approval, the difference between the new rate and the old rate may be paid in respect of work performed during the period between the date of determination or approval and the effective date to

(a) an employee on strength on the date the new rate is determined or approved,

Financial Administration Act—continued

(b) a former employee whose services have been terminated during the said period because of

- (i) lay-off due to lack of work,
- (ii) resignation due to a *bona fide* illness, or
- (iii) retirement on account of age, or

(c) the estate of a former employee who died during the said period.

(2) No payment under subsection (1) may be made to or in respect of a former employee unless application is made to the deputy head of the relevant department by him or, in the case of death, by his personal representative, within six months after the date on which the Treasury Board has determined or approved the increase in the rate of salary.

(3) Where an employee who is a contributor under the *Public Service Superannuation Act* is retired on account of age, and his application under subsection (2) for payment is not received by the deputy head of the relevant department before his benefits under that Act are determined, the payment shall not affect the amount of the said benefits.

WORK IN EXCESS OF FORTY HOURS PER WEEK

7. (1) The deputy head may authorize payment of a monthly lump sum to an employee in respect of work performed during any period in excess of eight hours in any day.

(2) No payment shall be made to an employee pursuant to subsection (1) unless the Treasury Board has set a rate according to which a payment is to be made for the number of hours of work performed during any day in excess of eight hours, and such rate shall be a monthly rate of five, ten, fifteen or twenty dollars, determined on the basis of work actually performed on a ship for a number of hours in a day in excess of eight hours.

(3) An employee shall be paid for the actual number of hours he works during any day in excess of eight hours, according to the rate established pursuant to this section for the ship on or in which he is employed.

(4) No payment shall be made to an employee pursuant to this section in respect of

- (a) any period when the employee is on stand-by pay,
- (b) any period of lay-up or refit when it is reasonable to believe that such period may exceed thirty days,
- (c) any period of leave without pay or compensatory leave, or
- (d) any period of leave with pay in excess of fourteen consecutive calendar days.

(5) Where an employee is engaged on a shift basis, no rate shall be set pursuant to this section for him or for the class of which he is a member, for work performed during any day in excess of eight hours unless the employee works for a period in excess of forty hours during a week not including Saturday and Sunday.

8. (1) Where an employee works at least forty hours during a week from Monday to Friday, inclusive, and is required to be on active duty in port or at sea on the Saturday or Sunday immediately following, or where an employee is required to be on duty on one of the holidays mentioned in section 10, there may accrue to him

Financial Administration Act—continued

- (a) compensatory leave credits of one-half day for each day he is required to be on active duty for a period of four hours or less, or
- (b) compensatory leave credits of one day for each day he is required to be on active duty for a period of more than four hours.

(2) Compensatory leave credits accrued under this section shall, where possible, be granted by the deputy head before the end of the fiscal year in which the said leave has accrued.

(3) Where it has not been possible for the deputy head to grant, during a fiscal year, to an employee compensatory leave that has accrued to him under this section, the deputy head, with the approval of the Treasury Board, may authorize, in lieu of the compensatory leave that has accrued to the employee, a cash payment to be made to him equal to one twenty-second of the monthly salary of the employee for each day of compensatory leave so accrued.

(4) Where a deputy head requests the approval of the Treasury Board pursuant to subsection (3), he shall submit with such request whatever information and material is considered necessary by the Treasury Board.

(5) This section applies only to an employee engaged at a location in the Province of British Columbia.

9. Where an employee, engaged at a location other than a location in the Province of British Columbia, performs work during any period in excess of forty hours in any week, except on a holiday specified in section 10 or a holiday selected, granted or designated pursuant to that section, the deputy head of the relevant department may, with the approval of the Treasury Board, grant to the employee a cash lump sum payment in respect of such work performed during the said period, as if it were the payment of a monthly lump sum authorized under section 7.

10. (1) The following days shall be granted to an employee as holidays with pay:

New Year's Day
Good Friday
Dominion Day
Labour Day
Thanksgiving Day
Christmas Day

and one other holiday to be selected by the deputy head from among the remaining holidays observed in the area of employment.

(2) In addition to the holidays specified in subsection (1), the Minister may grant to an employee not more than two holidays with pay having regard to the practice generally prevailing in the area in which he is employed for persons employed by private employers in a similar class of work.

(3) Where a holiday specified in this section, or an additional holiday with pay that may be specifically designated by the Treasury Board, occurs while an employee is on leave with pay granted in accordance with these regulations or the *Reserve Forces Training Leave Regulations*, he shall be deemed not to be on leave with pay on that day.

(4) Where an employee is required, by the deputy head, to be on duty on a holiday mentioned in this section there may accrue to the employee, if he is on duty on such day,

Financial Administration Act—continued

- (a) vacation leave credits of one-half day, where he is required to be on duty on a holiday for a period of four hours or less, or
- (b) vacation leave credits of one day, where he is required to be on duty on a holiday for a period of more than four hours.

VACATION LEAVE

11. (1) Vacation leave credits shall accrue to an employee for each month during which he is continually employed at the rate of

- (a) five-sixths of one day for each month during his first twenty-five years of employment, and
- (b) one and one-quarter days for each month following the period of employment specified in paragraph (a).

(2) Where an employee is on vacation leave with pay granted by the deputy head in accordance with these regulations, he shall be deemed to be engaged on the basis of a five-day forty-hour week.

(3) For the purpose of determining the vacation leave credits of an employee, his total past employment in the public service may be counted unless

- (a) he was not employed in the public service, at any time, for a continuous period in excess of three months, or
- (b) he was dismissed for cause, or voluntarily resigned from his employment in the public service,

and for the purpose of determining the vacation leave credits of an employee to whom paragraph (a) or (b) applies, his past employment in the public service commencing immediately after he is re-employed therein may only be counted.

(4) For the purpose of determining the vacation leave credits of an employee who is employed in the public service on a seasonal basis, he is deemed to be, or to have been, continuously employed therein for the period or periods during which he worked if he is, or was, employed therein for consecutive seasons commencing with the second season.

12. (1) Subject to subsection (2), vacation leave credits expire when vacation leave is granted in respect thereof or at the end of the fiscal year in which the vacation leave credits accrued whether or not vacation leave has been granted in respect thereof.

(2) Vacation leave credits of an employee in respect of which the deputy head has been unable to grant vacation leave within the fiscal year in which they have accrued; or vacation leave credits of an employee who has not completed six months' service at the end of a fiscal year, shall not expire until the end of the fiscal year following that in which they have accrued.

(3) Where the deputy head is of opinion that it is in the best interests of his department to do so, he may allow the vacation leave credits of an employee that have accumulated during or in respect of one fiscal year to be added to the vacation leave credits of that employee for the next ensuing fiscal year.

Financial Administration Act—continued*Deputy Head May Grant Vacation Leave*

13. (1) Subject to subsections (2) and (3), the deputy head may grant vacation leave to an employee in each year of his employment for a number of working days not longer than the unexpired vacation leave credits that have accrued to him at the time the leave is granted, together with any additional vacation leave credits that may accrue to the employee prior to the end of the fiscal year in which the leave is granted.

(2) Vacation leave with pays shall not be granted to an employee

(a) during the first six months of his employment, or

(b) at a time when, in the opinion of the deputy head, his absence would unduly impede the work of the department.

(3) Vacation leave with pay granted in accordance with this section shall be charged against an equivalent number of normal working days whether or not the normal number of hours is, or was, worked on any such day by the employees who are, or were, not on vacation leave with pay.

(4) The deputy head may refuse to grant vacation leave for the whole or any part of the unexpired vacation leave credits that have accrued to an employee if in the opinion of the deputy head the attendance, punctuality or conduct of the employee has been unsatisfactory, and where the deputy head so refuses to grant vacation leave, the vacation leave credits of the employee equal to the vacation leave that the deputy head refuses to grant, shall be deemed to have expired.

14. Vacation leave granted to an employee shall be granted, firstly, in respect of vacation leave credits of the employee for the fiscal year in which the vacation leave is granted and, secondly, when the vacation leave credits for that year are exhausted, in respect of vacation leave credits that accrued during the preceding fiscal year and have not expired.

Separation from Employment

15. Where the employment of an employee is terminated for any reason other than dismissal for cause or voluntary resignation, the termination of employment is not effective until the end of a period of vacation leave after he ceases to work equal to the total unexpired vacation leave credits that have accrued to him on the day he ceases to work, together with the additional vacation leave credits in respect of which he has not already been granted vacation leave that would have accrued to him under section 11 if he had continued to be employed during the fiscal year in which his employment is terminated.

16. Where an employee is dismissed for cause or voluntarily resigns, his employment is deemed to be terminated at the end of a period of vacation leave after he ceases to work equal to the unexpired vacation leave credits that have accrued to him on the day he ceases to work.

Recoveries

17. (1) Where an employee, who is dismissed for cause or voluntarily resigns, has been granted vacation leave in respect of vacation leave credits that had not accrued to him at the time his employment is terminated, an amount equal to the amount of salary paid to him for the vacation leave in respect of the vacation leave credits that had not accrued to him shall be retained from any amount payable to him by or on behalf of Her Majesty at the time his employment is terminated.

Financial Administration Act—continued

(2) Where an employee whose employment is terminated was granted vacation leave in respect of vacation leave credits that had not accrued to him at the time his employment was terminated, and he is re-employed in the public service during the same fiscal year in which his employment was terminated, it shall be a condition of his re-employment that he pay to the Receiver General of Canada an amount equal to the amount of salary paid to him for vacation leave in respect of the vacation leave credits that had not accrued to him at the time his employment was terminated, and if he fails to pay that amount, it shall be retained from any amount that is or may at any time become payable to him by or on behalf of Her Majesty.

(3) Where recovery is to be made in accordance with subsection (2), the appropriate amount shall be paid or retained, as the case may be, at the rate of one twenty-second of the normal salary of the employee for each day during which he was on vacation leave in respect of which vacation leave credits had not accrued to him.

(4) Subject to subsection (2), where an employee is, or was, on leave of absence for any period during or in respect of which he should not have been paid salary, the amount of salary which should not have been paid to him shall be recovered as if it were an amount of salary paid to the employee for vacation leave in respect of vacation leave credits that had not accrued to him.

Special Leave

18. (1) Special leave credits, up to a maximum of thirty days, shall accrue to an employee for each month during which he is continuously employed at the rate of five-twelfths of one day.

(2) Where an employee is on special leave with pay granted by the deputy head in accordance with these regulations, he shall be deemed to be engaged on the basis of a five-day forty-hour week.

(3) Special leave credits expire when special leave is granted, in accordance with section 19, in respect thereof.

19. (1) Subject to subsections (2) and (3), the deputy head may grant special leave with pay to any employee for the number of days of special leave that have accrued to the employee in accordance with section 17 in the following circumstances:

- (a) marriage of the employee;
- (b) death or illness of the parent, wife, child, brother or sister of the employee;
- (c) where the employee is subpoenaed as a witness by a court, tribunal, board, commission or other body having the power to summon and compel the attendance of witnesses;
- (d) where the employee is required to attend for jury duty;
- (e) where the employee is absent from duty for the purpose of undergoing medical examination with a view to enrolment in the regular forces; or
- (f) the occasions mentioned in subsection (2).

(2) Special leave shall not be granted to an employee during the first six months of his service, except where the employee

- (a) being a veteran who is required by the Department of Veterans Affairs to report for observation attends for that purpose, or
- (b) is absent, by order of a medical health officer, due to quarantine arising out of illness in his family.

Financial Administration Act—continued

(3) The deputy head shall not, without the approval of the Treasury Board, grant to an employee special leave for a consecutive number of days in excess of five.

Sick Leave

20. (1) Sick leave credits shall accrue to an employee for each month during which he is continuously employed at the rate of five-sixths of one day.

(2) Where an employee is on sick leave with pay granted by the deputy head in accordance with these regulations, he shall be deemed to be engaged on the basis of a five-day forty-hour week.

(3) The deputy head may grant to an employee sick leave with pay for the number of days of sick leave credits that have accrued to him

(a) under subsection (1), and

(b) under any other competent authority prior to the coming into force of these regulations.

(4) Sick leave may be granted only on the production of satisfactory evidence of the inability of an employee to perform his duties because of illness by a written declaration submitted by the employee to the deputy head in form CSC-263 where the absence does not exceed three working days, or where the absence exceeds three working days a certificate from a qualified medical practitioner in form NH&W-500 submitted to the deputy head within seven working days after the beginning of each absence, and the probable date of return to duty of the employee shall be indicated in form NH&W-500.

(5) The deputy head, if it appears to him to be in the best interests of his department to do so, may require that a certificate in form NH&W-500 be submitted in respect of any lesser number of days of absence on sick leave than the number of working days specified in subsection (4).

(6) Where an employee fails to report for duty on the probable date of his return to duty indicated in the certificate in form NH&W-500 he shall be deemed not to be absent because of illness on or after that date, unless a further certificate in form NH&W-500 is submitted to the deputy head.

(7) The deputy head shall send every certificate in form NH&W-500 that is received by him under this section to the Civil Service Health Division of the Department of National Health and Welfare and the Chief of that Division shall notify the deputy head if in his opinion the illness certified did not render the employee unable to perform his duties.

(8) For the purposes of this section, where an employee is employed in the public service on a seasonal basis, he is deemed to be continuously employed therein for the period or periods during which he worked, if he is employed therein for consecutive seasons commencing with the second season, and sick leave credits may be carried forward to ensuing seasons of employment.

Accumulation of Leave Credits During Period of Leave Without Pay

21. (1) Notwithstanding subsection (3), where an employee, with leave of the deputy head, is absent from work without pay due to an injury sustained by him in the course of his employment, vacation, sick and special leave credits shall continue to accrue to the employee during his absence.

Financial Administration Act—continued

(2) Notwithstanding paragraph (a) of subsection (3), where an employee, with leave of the deputy head, is absent from work without pay due to illness in respect of which a certificate in form NH&W-500 has been submitted, vacation, sick and special leave credits shall continue to accrue to the employee until the end of the month of his absence.

(3) Where an employee, with leave of the deputy head, is absent from work without pay for any period in excess of five consecutive working days, vacation, sick and special leave credits shall not accrue to him,

- (a) where the period during which he is so absent exceeds five working days but does not exceed twenty-two working days, for a period of one month commencing on the first day of his absence, and
- (b) where the period during which he is so absent exceeds twenty-two working days, for the month or months in which he is so absent for a period in excess of five working days.

Compensation for Loss of Personal Effects Resulting from Marine Disaster

22. Where an employee suffers loss of any clothing or personal effects because of a marine disaster or shipwreck, he may, with the approval of the Treasury Board, be reimbursed for the actual loss suffered by him.

General

23. Leave with pay shall not be granted to an employee except in accordance with these regulations.

24. Nothing in these regulations affects any obligation, duty, or liability imposed on or incurred by any person by the *Canada Shipping Act* or any other Act of a like nature of the Parliament of Canada.

25. Nothing in these regulations affects or impairs the authority of the master of a ship while he is aboard his ship.

26. Notwithstanding sections 24 and 25, where there is any doubt as to the manner in which these regulations apply in any circumstances, the Treasury Board may resolve the doubt.

27. The Treasury Board may direct that these regulations do not apply to any person or class of persons.

Schedule "A"

Department of Fisheries
Department of Mines and Technical Surveys
Department of National Defence
Department of National Health and Welfare
Department of National Revenue
Department of Public Works
Department of Transport

Financial Administration Act—concluded

15. Schedules to the Act

NOTE: The names of the following agency corporations have been added to the Schedules to the Financial Administration Act, effective as of the dates shown hereunder:

Schedule C

Atomic Energy of Canada Limited,
Order in Council P.C. 1953-1401 of 15th September 1953,
(*Canada Gazette*, Part II, 1953, page 886).

Schedule D

Eldorado Aviation Limited,
15th September 1953.

Order in Council P.C. 1953-1402 of 15th September 1953,
(*Canada Gazette*, Part II, 1953, page 887).

St. Lawrence Seaway Authority,
1st September 1954.

Order in Council P.C. 1954-1300 of 1st September 1954,
(*Canada Gazette*, Part II, 1954, page 1231).

FISH INSPECTION ACT. (R.S.C., 1952, c. 118)

	Page
1. Application of Act extended to various kinds of fish and containers	1400
2. Whitefish Export Inspection Regulations	1401
3. Fish Inspection Regulations	1404

1. Extending the application of the Act to various kinds of fish and containers thereof

P.C. 5367

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS subsection 1 of section 3 of the Fish Inspection Act provides that the said Act shall apply to pickled herring, pickled alewives, pickled mackerel and pickled salmon, and to the containers thereof;

AND WHEREAS subsection 2 of the same section of the said Act provides that the Governor in Council may extend the provisions of the said Act to any other kinds of fish, to the containers thereof and to fish curing establishments and places where fish are prepared for market by any method except canning;

AND WHEREAS the Governor in Council has from time to time made orders extending the application of the Fish Inspection Act to various kinds of fish and the containers thereof, as well as to establishments where such fish are prepared for market;

Fish Inspection Act—continued

AND WHEREAS it is deemed necessary and expedient to consolidate the said orders into one order and to extend further the application of the said Act to other kinds of fish;

NOW THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 3 of the Fish Inspection Act, is pleased to order as follows:

1. The following Orders in Council are hereby revoked:

P.C. 2248 of November 29, 1927,
P.C. 2036 of October 17, 1929,
P.C. 2065 of September 1, 1937,
P.C. 2295 of September 22, 1937,
P.C. 8148 of October 20, 1944; and

2. The provisions of the Fish Inspection Act shall extend and apply to the following:—

- (a) dried, green salted and boneless cod, haddock, hake, cusk and pollock; frozen smelts; scallops; oysters; whitefish; and any other kind of fish, whether fresh, frozen, smoked, salted, pickled, or prepared in any other manner, in respect of which regulations have been made under the said Act;
- (b) the containers used or to be used for packing and marketing such fish;
- (c) fish curing establishments and places where fish are cleaned, salted, smoked, dried or otherwise prepared for market except by canning.

2. Whitefish Export Inspection Regulations

P.C. 1954-1909

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and pursuant to the Fish Inspection Act, is pleased to order as follows:

1. The Whitefish Export Inspection Regulations, established by Order in Council P.C. 1065 of 8th March, 1951, are hereby revoked; and

2. The annexed "Whitefish Export Inspection Regulations" are hereby made and established in substitution for the regulations hereby revoked.

WHITEFISH EXPORT INSPECTION REGULATIONS

1. These regulations may be cited as the *Whitefish Export Inspection Regulations*.

2. In these regulations,

- (a) "Chief Supervisor" means the Chief Supervisor of Fisheries of the Department of Fisheries in the City of Winnipeg, Province of Manitoba; and

Fish Inspection Act—continued

- (b) “export” means to send, ship or otherwise convey or cause to be sent, shipped or otherwise conveyed from or out of Canada to any place outside Canada.

3. No person shall export or attempt to export any whitefish unless the whitefish is inspected and the container thereof stamped and a certificate of inspection in respect thereof issued in accordance with these regulations.

4. (1) Every container in which whitefish are packed for export shall be marked by an inspector with an inspection stamp in a form prescribed by the Minister, when he is satisfied after inspection that the whitefish are in good merchantable condition and that the provisions of these regulations have been complied with.

(2) The Chief Supervisor, or such other officer as the Minister may designate, shall issue a certificate of inspection in a form prescribed by the Minister, authorizing the export of whitefish in containers that have been marked with an inspection stamp pursuant to subsection (1).

(3) Any inspected whitefish for which a certificate of inspection has been issued may be re-inspected at any time by an inspector when he is of the opinion that the fish are no longer in good merchantable condition because of deterioration after the date of inspection.

(4) Where, on re-inspection, the whitefish are found not to be in good merchantable condition, the inspector shall remove or obliterate the inspection marks placed on the containers, and the certificate of inspection issued for the whitefish pursuant to subsection (2) shall thereupon become null and void, and no person shall use the certificate knowing it to be null and void.

5. Application for the inspection of any lot of whitefish to be exported shall be made to an inspector by the exporter or any person on behalf of the exporter.

6. Every container in which whitefish are packed for export shall be clearly marked with a stamp or stencil on one end by the exporter or shipper with

- (a) the name and address of the exporter,
- (b) the name of the lake of origin of the whitefish, and in the case of whitefish fillets, the name of the lake of origin of the whitefish or the name and address of the filleting plant,
- (c) the words “Product of Canada”, and
- (d) the words “Dressed Whitefish”, “Round Whitefish” or “Whitefish Fillets”, as the case may be.

7. Where containers of whitefish packed for export are marked to indicate the size of the white fish in the container they shall be marked “Small”, “Medium”, “Large”, or “Jumbo”, according to the following table:

Small	up to 1½ lbs.
Medium	over 1½ lbs. to 3 lbs.
Large	over 3 lbs. to 4 lbs.
Jumbo	over 4 lbs.

8. (1) All fillets of whitefish packed in wrappers shall be marked by an inscription on each individual wrapper, indicating clearly that the contents thereof are fillets of whitefish and showing the name and address of the packer or the dealer for whom the fillets were packed.

Fish Inspection Act—continued

(2) Transparent wrappers without an inscription may be used if a paper insert, containing the inscription described in subsection (1) is enclosed within each wrapper.

(3) When wrapped fillets are packed in cartons, the net weight of the fillets packed in each carton shall be indicated thereon.

9. All fillets of whitefish produced from defrosted whitefish shall have the words "Fillets of Defrosted Whitefish" marked on the individual carton containers and on the master carton container.

10. New wooden boxes, cardboard cartons or fibre cartons only shall be used for exporting whitefish.

11. (1) Whitefish packed for export in any container shall conform to the marks appearing on the container.

(2) Whitefish for which application for inspection is made under these regulations shall be deemed to have been packed for export.

12. An inspector may take a sample of any whitefish free of charge.

13. (1) Withdrawals from any parcel of round or dressed whitefish or fillets of whitefish which are subject to inspection under section 3 shall be made by the inspector in the following manner:

- (a) when parcels contain up to 10 boxes, a minimum of 3 boxes;
- (b) when parcels contain from 11 to 50 boxes, a minimum of 5 boxes;
- (c) when parcels contain from 51 to 100 boxes, a minimum of 8 boxes;
- (d) when parcels contain from 101 to 200 boxes, a minimum of 12 boxes; and
- (e) when parcels contain over 200 boxes, a minimum of 16 boxes.

(2) One whitefish or the equivalent weight of fillets from each box withdrawn shall be examined and, if the inspector is satisfied, the parcel may be classified on the quality of the lot of fish examined; when the inspector is not satisfied as to the quality of the parcel by the withdrawals made, he may withdraw as many additional boxes therefrom and examine as many fish or fillets as he deems necessary to properly classify the parcel.

(3) For the purpose of preserving the identity of any fish subject to inspection, an inspector may, at any time and in any place, detain any such fish and the container thereof and place upon the fish or the container a numbered tag in such form as the Minister may prescribe; no person shall, pending completion of the inspection remove such fish or the container thereof, or remove or alter any tag so placed, except with the consent of an inspector.

14. No person shall send, ship or otherwise convey or cause to be sent, shipped or otherwise conveyed from one province to another any container in which whitefish are packed, except a container of whitefish packed for export, unless the container is clearly marked with a stamp or stencil on one end by the shipper with

- (a) the name of the province and the lake of origin of the whitefish, and in the case of whitefish fillets, the name of the lake of origin of the whitefish or the name and address of the filleting plant, and
- (b) the words "Dressed Whitefish", "Round Whitefish" or "Whitefish Fillets", as the case may be.

Fish Inspection Act—continued

15. Where any container is required to be marked, the mark shall be made on the material of the container and not on any tag or label attached to the container.

16. Every person who violates any of the provisions of these regulations is guilty of an offence and liable to the penalties prescribed by the Fish Inspection Act.

3. Fish Inspection Regulations

P.C. 1954-1973

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 4 of the Fish Inspection Act, is pleased to order as follows:

1. The Regulations governing the construction of containers, the curing and packing of fish and the inspection thereof, established by Order in Council P.C. 5697 of 8th November, 1949, as amended, are hereby revoked; and

2. The annexed "Regulations Respecting the Curing and Packing of Fish" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE CURING AND
PACKING OF FISH

1. These regulations may be cited as the *Fish Inspection Regulations*.

2. In these regulations.

(a) "Act" means the Fish Inspection Act,

(b) "Department" means the Department of Fisheries of Canada,

(c) "inspecting officer" or "inspector" means an officer appointed under the Fish Inspection Act.

3. (1) All containers used for packing and marketing pickled fish under these regulations, except salmon, shall be made and marked in accordance with the requirements set out in Schedule A.

(2) Notwithstanding subsection (1), the Minister may upon written request, grant permission for the use of barrels to be filled with any one kind of pickled fish; the staves of such barrels shall be twenty-eight inches in length and the heads seventeen inches in diameter (i.e. seventeen inch cut heads), and every such barrel shall be not less than twenty-one inches in diameter at the bilge, outside measurement, and shall be capable of containing twenty-four gallons, Imperial measure, and shall in all other respects conform to the general requirements governing the construction of barrels for pickled fish.

Fish Inspection Act—continued

4. The maker of every barrel, half-barrel, quarter-barrel, pail, kit or other container to be used for the marketing of pickled fish shall clearly mark such container with his name and address and with the words "Pickled Fish" thereunder, before it is offered for inspection.

5. Barrels, half-barrels and quarter-barrels for pickled fish that are made of clear spruce or hardwood and hooped entirely with black or galvanized iron, shall be marked with the maker's name and address and with the words "Pickled Fish—Special" thereon, before they are offered for inspection.

6. Every container to be used for the marketing of pickled fish shall be inspected by an inspecting officer and if found to comply with these regulations shall be marked by such officer, by means of a rubber stamp, with the words "Container Inspected" and a number identifying the inspector.

7. Any container for the marketing of pickled fish when filled with such fish for sale which does not show the marking specified by these regulations may be seized by an inspecting officer, police officer or constable and held until the provisions of section 4 or 5 have been complied with, and the maker shall be liable on summary conviction to the penalty provided by subsection (2) of section 14 of the Act.

8. Any barrel, half-barrel, quarter-barrel, pail, kit, or other container that is to be used for the purpose of marketing pickled fish and is not made in accordance with or not of the capacity prescribed by these regulations shall, unless reconditioned to meet the requirements of these regulations, have the maker's marks removed therefrom and shall not be used for marketing any kind of fish to which the Act applies.

9. The maker of any barrel, half-barrel, quarter-barrel, pail, kit or other container that is marked with the words "Pickled Fish" and is found to be below the prescribed standard for such container, shall be liable on summary conviction to the penalty provided by subsection (2) of section 14 of the Act.

10. Every barrel, half-barrel and quarter-barrel of pickled fish, after being packed for market, shall be immediately headed up, the hoops thoroughly driven and the container tested for tightness; the top quarter wooden hoops, i.e., the two nearest the chimes at each end, shall be nailed with at least three nails not exceeding one and one-quarter inches in length; the containers shall then be filled, through a hole in the centre of a stave at the bilge, with pickle of 100 per cent strength; pails and kits may be so filled, through a hole bored in the head; when the containers are filled with pickle, the holes shall be carefully plugged with a tight-fitting bung; but nothing in these regulations shall prohibit the use of metal containers without bung-holes.

11. All pickled fish, during the process of curing and handling, and the containers, before and after being filled, shall be carefully protected from the weather; barrels, half-barrels and quarter-barrels, when filled, shall be kept on their bilge; all pickled fish shall be kept covered with clean pickle of 100 per cent strength.

12. Except as herein otherwise provided, all fish to which these regulations apply shall be cured, packed and pickled with pickle made from clean unused salt.

Fish Inspection Act—continued

13. All fish to be cured under these regulations shall be placed under salt within fifteen hours after being landed.

14. On the end of every container filled with pickled fish for sale shall be clearly stencilled by the packer, his name and address, and the kind, class, grade and minimum weight of the fish in the container.

15. When containers filled with pickled fish have been passed by an inspector, he shall stamp or stencil them with a crown surrounding the words "Canada Inspected", and with his number.

16. (1) Herring shall be well split, thoroughly cleaned, bellies filled with salt, dredged outside with salt and placed carefully in the curing receptacle; sufficient salt shall be uniformly spread over each tier to keep the pickle to full strength; strong pickle shall then be added in the proportion of about two buckets to a puncheon to speed the formation of brine; herring shall be kept under pickle for at least fourteen days and shall be thoroughly cured before being packed for market.

(2) Before being packed for market, herring shall be washed in clean pickle, graded and weighed according to the capacity of the container in which they are to be packed; the bottoms of containers shall be lightly covered with salt and the herring placed evenly in tiers, back down, each alternate layer being criss-crossed and uniformly salted; the top tier shall be packed with the backs of the herring uppermost and shall be heavily salted.

(3) Every barrel of pickled herring shall contain not less than two hundred pounds; every half-barrel not less than one hundred pounds; every quarter-barrel not less than fifty pounds; every pail or kit not less than twenty pounds and every half-pail or half-kit or can not less than ten pounds of fish exclusive of salt; the packer or repacker shall put sufficient weight of fish in the container when packing to ensure that the weight of fish will be in the container after shrinkage, exclusive of salt, and shall ensure that the container is free from leaks and full of pickle at all times when in his possession.

17. (1) Pickled herring shall be of three sizes as follows:

- (a) Large, measuring not less than eleven inches,
- (b) Medium, measuring not less than nine inches and not more than eleven inches, and
- (c) Small, measuring not less than seven inches and not more than nine inches.

(2) Measurement for each class shall be from the extremity of the head to the end of the backbone at the round of the tail.

18. (1) Pickled herring shall be packed in two classes as follows:

- (a) Class A, herring containing a reasonable amount of fat, and
- (b) Class B, herring containing little or no fat.

(2) Containers of Class A herring shall be marked to show the words "Fat Herring", "Fat Tropic Herring" or "No. 4 Fat Herring".

(3) Containers of Class B herring shall be marked to show the words "Bright Herring", "Tropic Herring" or "No. 4 Tropic Herring".

19. (1) Class A herring shall consist of

- (a) "Fat" herring, which have the blood scraped from the main bone, are reasonably fat, thoroughly cured, properly packed, sound, clean, and of good quality.

Fish Inspection Act—continued

- (b) "Fat Tropic" herring, which are reasonably fat and free from rust; they need not have the blood scraped from the main bone or be thoroughly cleaned, and
- (c) "No. 4 Fat", comprising thoroughly cured inferior Class A herring, including cullage from the above grades.
- (2) Class B herring shall consist of
 - (a) "Bright" herring, which have the blood scraped from the main bone, are bright in colour, reasonably white inside, thoroughly cured, properly packed, clean, and of good quality.
 - (b) "Tropic" herring, which are free from rust; they need not have the blood scraped from the main bone or be thoroughly cleaned; and
 - (c) "No. 4 Tropic", comprising thoroughly cured inferior Class "B" herring including cullage from the above Class B grades.

20. (1) The requirements of sections 10 to 16 inclusive apply to pickled headless and pickled trimmed herring.

(2) The sizes and grades of pickled headless and pickled trimmed herring shall comply with the requirements of sections 17, 18 and 19, due allowance being made for the removal of heads or heads and tails, as the case may be.

(3) Two grades only of pickled headless and pickled trimmed herring shall be marketed, Grade A "Fat Herring" and Grade B "Bright Herring", as defined in these regulations; the containers thereof shall be marked "Fat Herring" or "Bright Herring", as the case may be.

21. (1) Alewives shall be kept under salt and pickle for at least fourteen days and shall be thoroughly cured, uniformly salted, bright in colour, free from rust and shall be placed evenly in tiers when packed for market.

(2) Every barrel of pickled alewives shall be tight and shall contain not less than two hundred pounds of fish apart from salt, and the packer or repacker shall put sufficient weight of fish in the barrel to ensure the weight of fish being in the barrel after shrinkage.

(3) Every person who packs pickled alewives for market shall

(a) grade the alewives according to the following grades

- (i) Large, which shall be sound fish of good quality that are not less than ten inches in length from the extremity of the head to the extremity of the backbone at the round of the tail;
- (ii) Medium, which shall be sound fish of good quality that are not less than eight and are less than ten inches in length from the extremity of the head to the extremity of the backbone at the round of the tail;
- (iii) Alewives, which shall be sound fish of good quality that are not graded Large or Medium and are not less than eight inches in length from the extremity of the head to the extremity of the backbone at the round of the tail; and
- (iv) No. 4, which shall be sound fish that are fit for human food and are not graded Large, Medium, or Alewives; and

Fish Inspection Act—continued

(b) mark the container with the grade of the contents.

(4) Alewives that have been cured as required by these regulations may be shipped in a dry state for export to such markets as require them in that condition.

(5) When a shipper desires to ship or export in a dry state alewives that have been cured and packed in pickle and marked in accordance with these regulations, he shall notify an inspector who shall ensure that the word "Dry" is marked on the containers in addition to the other marks.

22. (1) Mackerel shall be properly split, washed and dredged and shall be placed back down in tiers in the curing receptacles; sufficient salt shall be spread evenly on each tier to thoroughly cure the fish; strong pickle shall then be added in the proportion of about two buckets to a puncheon in order to speed the formation of brine; after three days the mackerel shall be kept covered with brine and the brine shall be maintained at 100 per cent strength; salt shall always be in evidence on the top tier; and pickled mackerel shall remain in salt and pickle for not less than fourteen days and shall be thoroughly cured before being finally packed for market.

(2) In finally packing and preparing mackerel for market, they shall be removed from the curing receptacles and Summer and Fall mackerel shall be washed in clean unused pickle; Spring mackerel may be washed in the original pickle; the mackerel shall be selected and weighed in accordance with the requirements of this section; in packing, the bottom of the container shall be lightly covered with salt and the first tier of fish laid thereon with their backs downward; the bottom tier shall be so placed that when the bottom end of the container is opened the tails of the fish will not be seen; care shall be taken to keep the tiers level in packing; when each tier is completed, it shall be covered with rather less salt than is used in the original curing; the top tier shall be packed backs upward and so placed that the tails of the fish will not be seen; the top tier shall be heavily salted.

(3) Every barrel of pickled mackerel shall contain not less than two hundred pounds, every half-barrel not less than one hundred pounds, every quarter-barrel not less than fifty pounds, every pail or kit not less than twenty pounds, and every half-pail or half-kit or can not less than ten pounds of fish exclusive of salt; the packer or repacker shall put sufficient weight of fish in the container when packing to ensure the aforesaid weight of fish being in the container at the time of sale; the packer or repacker shall ensure that the container is free from leaks and full of pickle at all times when it is in his possession.

23. (1) Pickled mackerel shall be classified as "Spring mackerel", "Summer mackerel" and "Fall mackerel".

(2) "Spring mackerel" is mackerel caught during the spring and early summer.

(3) "Summer mackerel" is mackerel caught during August and September.

(4) "Fall mackerel" is fat mackerel caught after September, but when mackerel caught in the latter part of July are sufficiently fat to be classed as "Summer mackerel", and mackerel caught in the latter part of September are sufficiently fat to be classed as "Fall mackerel", the inspector, when he is satisfied as to these conditions, may permit the containers of such fish to be marked "Summer Mackerel" or "Fall Mackerel".

Fish Inspection Act—continued

(5) The measurement of all classes and grades of mackerel shall be made down the centre of the fish from the extremity of the head to the end of the backbone at the round of the tail.

24. (1) "Spring mackerel" shall be packed according to length in three grades, as follows:

- (a) Large, not less than fifteen inches;
 - (b) Medium, not less than thirteen inches but less than fifteen inches;
 - (c) Small, less than thirteen inches.
- and

(2) "Spring mackerel" is mackerel caught during the spring and early summer that are sound, properly split, reasonably smoothfaced, well washed, regularly packed, uniformly salted and free from rust.

(3) "Bright Spring mackerel" is mackerel caught during late spring and early summer that are reasonably bright, sound, properly split, smoothfaced, well washed, regularly packed, uniformly salted, free from rust and have had the blood scraped.

(4) "No. 4 Spring mackerel" is Spring mackerel that are under the standards prescribed by these regulations but are fit for human consumption.

(5) Containers of "Spring mackerel" shall be marked in accordance with the grades and classifications herein set forth.

25. (1) Summer mackerel shall be packed in four grades, as follows:

- (a) Large, consisting of fish showing fat and measuring not more than two inches between their maximum and minimum lengths and counting not more than one hundred and sixty fish to a barrel.
- (b) Medium, consisting of fish showing fat and measuring not more than two inches between their maximum and minimum lengths and counting one hundred and sixty-one to two hundred and twenty-five fish to a barrel,
- (c) Small Medium, consisting of fish showing fat and measuring not more than one inch between their maximum and minimum lengths and counting two hundred and twenty-six to two hundred and seventy fish to a barrel, and
- (d) Small, consisting of fish showing fat and measuring not more than one inch between their maximum and minimum lengths and counting two hundred and seventy-one to four hundred fish to a barrel.

(2) Choice Summer mackerel is Summer mackerel that are properly split, smoothfaced, have the blood scraped, sufficiently soaked, wellwashed, white in colour, reasonably free from blood stains, regularly packed, uniformly salted and thoroughly cured.

(3) Summer mackerel is fish having slight defects, and below the standard of Choice Summer mackerel but shall have the blood scraped and be of good colour.

(4) Dark Summer mackerel is thoroughly-cured but inferior Summer mackerel below the standards of Choice Summer mackerel or Summer mackerel and not having the blood scraped or not being reasonably free from blood stains.

Fish Inspection Act—continued

(5) No. 4 Summer mackerel is Summer mackerel that are under the standards prescribed by these regulations, but are fit for human consumption.

(6) Containers of "Summer mackerel" shall be marked in accordance with the grades and classifications defined herein.

26. (1) Fall mackerel shall be packed in four grades, as follows:

- (a) Extra Large, consisting of fat fish measuring not more than two inches between their maximum and minimum lengths and counting not more than one hundred and fifteen fish to a barrel,
- (b) Large, consisting of fat fish measuring not more than two inches between their maximum and minimum lengths and counting one hundred and sixteen to one hundred and fifty fish to a barrel,
- (c) Medium, consisting of fat fish measuring not more than two inches between their maximum and minimum lengths and counting one hundred and fifty-one to two hundred fish to a barrel, and
- (d) Small Medium, consisting of fat fish measuring not more than one inch between their maximum and minimum lengths and counting from two hundred and one to four hundred fish to a barrel.

(2) Choice Fall mackerel is Fall mackerel that are properly split, have the blood scraped, are sufficiently soaked, well washed, white in colour, free from blood stains, regularly packed, uniformly salted and thoroughly cured.

(3) Fall mackerel is Fall mackerel with some slight defects, but of good colour and otherwise conforming to the requirements of Choice Fall.

(4) Dark Fall mackerel is Fall mackerel not having the blood scraped nor free from blood stains, but otherwise conforming to the requirements of Choice Fall and Fall.

(5) No. 4 Fall mackerel is Fall mackerel that are under the standards prescribed by these regulations, but are fit for human consumption.

(6) Fall mackerel caught by hook in certain localities may, in addition, have stencilled on each container the locality where and the method by which the fish in the container were caught, as for example, "Cape Breton Hooked".

(7) Containers of Fall mackerel shall be marked in accordance with the grades and classifications defined in this section.

27. (1) Pickled mackerel fillets shall be cut from fresh fat mackerel and each fillet should be cut from the fish separately with a long, narrow, sharp knife, leaving a smooth surface; all fins, napes and back bones and all blood shall be entirely removed.

(2) The fillets shall be thoroughly washed and well soaked in clean sea water or brine of the same salinity as sea water, then carefully dredged in fine salt, and packed in tiers of flesh side up in curing receptacles, the top tier to be laid skin side upward, and sufficient salt uniformly distributed over each tier to cure them and enough 100 per cent pickle poured into the curing receptacle to cover the fillets; salt shall always be in evidence on the top tiers, and the fillets shall remain in salt and pickle for not less than fourteen days and shall be thoroughly cured before being finally packed for market.

Fish Inspection Act—continued

(3) In finally packing pickled mackerel fillets for market, they shall be removed from the curing receptacles, washed in clean unused pickle and selected and weighed according to the requirements of these regulations; in packing, the bottoms of containers shall be lightly covered with clean unused salt and the first tier of fillets laid thereon at an angle of about forty-five degrees, the skin towards the wood; when each tier is completed, it shall be salted with rather less salt than was used in the original curing; tiers shall be criss-crossed and the top tier placed at the same angle, skin side upward and salted.

(4) Pickled mackerel fillets shall be reasonably uniform in size; in barrels containing not more than five hundred and fifty the fillets shall vary not more than one and one-half inches in length, and in barrels of five hundred and fifty or more the fillets shall not vary more than one inch in length.

28. (1) Mackerel fillets shall be in three sizes, as follows:

- (a) Large, fillets of not more than five hundred and fifty to a barrel of two hundred pounds,
- (b) Medium, fillets of five hundred and fifty-one to seven hundred and fifty to a barrel of two hundred pounds, and
- (c) Small, fillets of more than seven hundred and fifty to a barrel of two hundred pounds.

(2) Pickled mackerel fillets may be packed in the grades and classes provided for pickled mackerel.

(3) Containers of pickled mackerel fillets shall be marked in accordance with the grades and classifications provided in this section.

29. (1) The general requirements for pickled fish apply to pickled headless and pickled trimmed mackerel.

(2) Two classes only of pickled headless and pickled trimmed mackerel shall be packed for market; Choice Summer and Choice Fall, and the containers thereof shall be marked "Choice Summer" or "Choice Fall", but pickled headless and pickled trimmed mackerel that are under the quality prescribed by these regulations for "Choice Summer" or "Choice Fall" but are fit for human consumption shall be designated "No. 4" and the containers so marked.

(3) The grades and classes of pickled headless and pickled trimmed mackerel shall comply with the requirements of sections 25 and 26, due allowance being made for the removal of heads or heads and tails, as the case may be.

30. (1) Pickled salmon shall have been in salt and pickle for not less than fourteen days before being finally packed for market.

(2) Salmon when packed shall lie flat, back down, except the top tier, which shall be back upward; they shall be thoroughly cured and evenly salted, properly split and washed and shall have all the blood removed.

(3) Every barrel of pickled salmon shall contain not less than two hundred pounds and every half-barrel not less than one hundred pounds, and every pail or kit not less than twenty pounds and every half-pail or half-kit not less than ten pounds of fish exclusive of salt; and the packer or repacker shall put sufficient weight of fish in the container when packing to ensure the aforesaid weight of fish being in the container at the time of sale; the packer or repacker shall ensure that the container is free from leaks and full of pickle at all times while in his possession.

Fish Inspection Act—continued

31. Where, after inspection, an inspecting officer finds that pickled fish do not comply with the requirements of these regulations, he shall notify the owner that the fish must be reconditioned before again being offered for inspection.

32. (1) In packing boneless salt fish no box or package shall contain more than one variety.

(2) Before boneless salt fish is offered for inspection the packer, or first dealer obtaining it from the packer, shall clearly stencil or stamp each box or package with,

- (a) his full name and address,
- (b) the words "Boneless Cod" or "Boneless Hake" or "Boneless Cusk" or "Boneless Pollock" or "Boneless Haddock",
- (c) the net weight in avoirdupois of the contents, and
- (d) the grade of the fish in the container.

(3) Except as herein otherwise provided boneless salt fish shall be packed and marketed under the grades set forth in Schedule B.

(4) The inspecting officer shall conduct the inspection in such manner as will entirely satisfy him as to the quality.

(5) When containers of boneless fish have been inspected and passed by an inspecting officer, he shall stamp or stencil them with a crown surrounding the words "Canada Inspected" and with his number.

(6) In packing boneless salt fish in packages containing five pounds or less, whole fillets may be cut to conform to the size of the package.

(7) Semi-boneless salt fish shall have all bones except the pin bones removed.

(8) The packing, inspection and grading of semi-boneless salt fish shall be in accordance with the requirements of this section, and in the marking of containers of such fish the term "Semi" shall appear before the word "Boneless".

33. (1) Water that may have accumulated amongst fresh herring in a boat or scow shall be allowed to drain away when the fish are being discharged therefrom and before salting takes place.

(2) Fresh herring shall be thoroughly salted into tanks or other water-tight receptacles in such a manner as will permit of each fish coming in contact with the salt; all herring shall be sound and shall be salted within twenty-four hours after being taken from the sea; if the tanks or other receptacles stand in the open when filled, they shall be covered and protected from rain and snow.

(3) The date on which herring have been salted into each tank shall be shown on the tank and in such a manner as will make it easily seen by the inspector.

(4) When pickle has formed in each tank it shall be maintained at a strength of ninety degrees or more.

(5) The inspector shall by a salinometer test the strength of the pickle in each tank at each visit to a curing place during the season.

(6) All herring taken in British Columbia from the opening of the fall season to the end of November shall remain in salt in the tanks for not less than six days of twenty-four hours each, and all herring taken from

Fish Inspection Act—continued

December first to the end of the season shall remain in salt for not less than five days of twenty-four hours each before being boxed for shipment; all herring boxed for shipment shall be sound, thoroughly cured and in good condition.

(7) Boxes for shipment to the Orient of dry salted herring shall be forty-two inches long, twenty-four and one-half inches wide, and fourteen inches deep, outside measurement; the sides, top and bottom shall consist of good sound boards one inch in thickness, and the ends of similar boards one inch and one-quarter in thickness; the boxes shall be strongly made and well nailed.

(8) The herring on removal from the tanks shall be drained of pickle for twenty-four hours and afterwards firmly packed in standard boxes and thoroughly sprinkled with salt; each box shall be filled to its utmost capacity with fish at the time of shipment; a mark or number shall be plainly marked on each box to indicate the packer of the fish and the date on which the fish were first inspected.

(9) The herring, at the place of curing and packing, may be inspected during the process of discharging from the boats or scows, and thereafter until they are boxed for shipment; the boxes may also be inspected at the same time and place.

(10) An inspector shall visit each packing place daily during the season, and shall keep a record of the date on which each tank was filled and emptied.

(11) An inspector may detain for the time necessary to complete his inspection any shipment in respect of which he has reasonable grounds for believing that the boxes or fish do not conform to these regulations.

(12) When an inspector is satisfied, after inspection, that the fish and boxes conform to these regulations, he shall furnish the packer with a certificate of inspection and no shipment shall leave the packer's place without such certificate, but where a parcel of herring that has been inspected and a certificate has been given is held over for thirty days or more before shipment out of Canada, such parcel shall be submitted for reinspection immediately before shipment; should the reinspection show the parcel to have deteriorated in quality from that required by subsection (6) or that the boxes are not filled to capacity as required by subsection (8) the certificate of inspection shall be cancelled, but the packer may recondition the parcel and submit it for final inspection when, if the quality and weight is found by the inspector to be satisfactory, he shall issue another certificate therefor.

(13) When an inspector finds, after inspection, that either fish or boxes do not conform to these regulations, he shall state on his certificate how the fish or boxes fail to comply with the requirements, and the packer of such fish shall be liable to the penalty provided by subsection (2) of section 14 of the Act.

(14) Where a packer or owner appeals against the decision of an inspector, and another inspection is ordered, the inspector who carries out the second inspection shall satisfy himself that the fish or boxes comply with regulations.

34. (1) No one shall market hard cured smoked round herring (bloaters) except in a container of the following title and description:

Fish Inspection Act—continued

- (a) Eighteen Pound Box—which shall be not less than nineteen and one-half inches in length, ten and one-quarter inches in width, and five inches in depth, inside measurements; the ends of which shall be of one piece of wood and not less than three-quarters of an inch in thickness, and each side of one piece, the top of two pieces, the bottom of not more than three pieces, and each piece in the sides, top and bottom not less than three-eighths of an inch in thickness;
- (b) Fourteen Pound Box—which shall be not less than fifteen inches in length, ten and one-quarter inches in width, and five inches in depth, inside measurements;
- (c) Eight Pound Box—which shall be not less than ten and one-quarter inches in length, eight and one-quarter inches in width, and five inches in depth, inside measurements;
- (d) Two Pound Box, One Pound Box, or One-half Pound Box.

(2) The nails in an eighteen, fourteen, or eight pound box shall be standard box nails which measure not less than one and one-half inches in length and are Number 14 British Wire Gauge in thickness, and which preferably should be coated with a special cement or resin.

(3) The Minister may, upon the written request of a packer, authorize the use of containers of a description other than that specified in this section.

35. No one shall market hard cured smoked round herring (bloaters) the container of which shall be of wood which is well seasoned, of good quality, and shall not be hemlock unless the container contains not less than the number of pounds of fish designated in the title of the box.

36. (1) Every person who packs hard cured smoked round herring (bloaters) for market shall grade the fish according to the following grades:

- (i) Choice Bloater, which shall be a sound, thoroughly cured fish that is smoked to a golden colour; and
- (ii) Standard Bloater, which shall be a sound, thoroughly cured fish that has not taken the smoke properly, or that is broken at the throat or belly, or that is otherwise defective but is suitable for human consumption;

(2) When the fish is packed in an eighteen pound box, it shall be packed in one of the following counts:

- 40— 60 fish, inclusive,
- 60— 80 fish, inclusive,
- 80—120 fish, inclusive,
- 120—160 fish, inclusive, and
- 160 fish or more,

so that the difference in length between the largest and smallest fish in the box shall not be greater than one inch, measured from the end of the head to the end of the tail fin.

(3) The fish shall be packed neatly in tiers so that fish that are eleven inches or more in length are packed lengthwise and fish under eleven inches in length are packed crosswise in the box.

Fish Inspection Act—continued

37. (1) Every person who packs hard cured smoked herring fillets for market shall grade the fillets according to the following grades:

- (a) Choice, which shall be prepared from sound, well smoked and thoroughly cured bloaters that are not more than ten inches in length from the end of the head to the end of the tail fin; and
- (b) Standard, which shall be prepared from bloaters that are more than ten inches in length from the end of the head to the end of the tail fin.

(2) The fish shall be packed neatly in tiers cross-wise in the box.

38. Every person who packs hard cured smoked round herring (bloaters) or hard cured smoked herring fillets for market shall legibly mark, or legibly stencil with stencil ink or other non-blurring substance, upon a planed end of the container in letters and numbers not less than one-half inch in height, if printed and not less than three-quarters of an inch in height, if stenciled

- (a) the name and address of the packer; and
- (b) the grade, count and minimum weight of the fish as required by these regulations.

39. (1) No person shall market hard cured smoked round herring (bloaters) or hard cured smoked herring fillets unless the fish and containers have been inspected by an inspecting officer and the containers marked in the manner herein provided.

(2) An inspecting officer to whom application is made shall inspect the fish and the containers and, if satisfied that the regulations have been complied with, shall mark the containers by stamp or stencil with a crown enclosing the words "Canada Inspected" and with his number.

40. (1) Frozen smelts shall be marketed in boxes, and each box shall be marked to show the name and address of the packer or the first dealer obtaining it from the packer, and the weight and grade of smelts in the box.

(2) Frozen smelts when packed in boxes for market shall be graded, for size only, as follows:

- (a) Extra7 inches and over,
- (b) No. 15½ to 7 inches,
- (c) Medium4 to 5½ inches, and
- (d) SmallUnder 4 inches

(3) The measurement of each grade shall be from the extremity of the head to the end of the backbone at the round of the tail; a tolerance of five per cent shall be allowed for each grade, but no smelts that are under one-half inch of the minimum size for the grade under inspection shall be included in the tolerance.

(4) Clean whole fish only shall be packed; fish with a head or tail broken off may be placed in the next lower grade.

(5) On receipt of proper notification from the packer or shipper that inspection is required the inspection shall be made by a duly authorized inspector.

(6) In making an inspection the inspector shall open and examine one box in ten when the lot consists of fifty or more boxes, and one box in five when the lot consists of less than fifty boxes, but an inspector is not

Fish Inspection Act—continued

restricted to this scale, and if need be may open as many boxes as he deems necessary to satisfy himself that the contents comply with these regulations.

(7) When containers filled with frozen smelts have been inspected and passed by an inspecting officer, he shall stamp or stencil them with a crown surrounding the words "Canada Inspected", and a number indicating the name of the inspecting officer.

41. (1) No person shall market oysters in the shell except in a container of the following description:

- (a) Barrel—the staves of which are twenty-nine inches in length, the head and bottom fifteen and one-half inches in diameter, that is, fifteen and one-half inches cut head and bottom, and the bilge nineteen inches in outside diameter;
- (b) Half-barrel—the staves of which are twenty-one inches in length, the head and bottom thirteen and one-half inches in diameter, that is, thirteen and one-half inches cut head and bottom, and the bilge sixteen inches in outside diameter;
- (c) The head of a barrel or half-barrel shall be not less than three-quarters of an inch in thickness and shall be bevelled to fit into a clean-cut croze which shall be not more than one inch from the end of the staves; each end shall have two wooden hoops except that, at the bottom, one iron hoop may be used, and each quarter shall have one wooden hoop; in heading, no nail over two inches in length shall be used; three nails shall be driven through each quarter-hoop; the head of the barrel or half-barrel shall be planed to a smooth finish;
- (d) Box—which shall be a one and one-quarter bushel, one bushel, one-half bushel or peck, with one side and one end of the box planed to a smooth finish and of which the inside measurements are: one and one-quarter bushel, twenty-four inches in length, twelve inches in width, and ten inches in depth, with the ends not less than three-quarters of an inch and the sides, bottom and top not less than one-half inch in thickness and so assembled that any space between adjoining boards is not more than one-quarter inch; bushel—twenty inches in length, twelve inches in width, and ten inches in depth; one-half bushel, twelve inches in length, ten inches in width, and ten inches in depth; peck, six hundred cubic inches;
- (e) The one and one-quarter bushel and the one bushel box shall have ends not less than three-quarters of an inch, and sides, bottom and top not less than one-half inch, in thickness, and shall be so assembled that any space between adjoining boards is not more than one-quarter inch;

(2) No person shall market oysters in the shell unless the container contains the following minimum quantity, estimated on the basis of what the contents approximately would be had the container been shaken vigorously, twice when partially filled and once when almost filled, and had the top tier then been placed carefully by hand to fill the container; barrel, two and one-half bushels; half-barrel, one and one-quarter bushels; box, the quantity designated on the box.

42. No person shall ship oysters in the shell out of the immediate producing area in a container that has upon it inspection or shipping marks of previous use except to replant or relay or to transfer to a packing or grading warehouse.

Fish Inspection Act—continued

43. Every person who packs oysters in the shell for market shall

- (a) cull the oysters and, having separated any clusters and removed any dead or broken-shelled oysters, small attached oysters, mussels, limpets, stones, excess mud and other such materials, pack only those oysters that are living, single oysters, not so damaged as to permit the shell liquor to escape and of a size that may legally be fished in the area from which they were taken;
- (b) grade the oysters according to the following grades:
 - (i) Fancy Shape, the length not to exceed one and one-half times the greatest width;
 - (ii) Choice Shape, the length not to exceed one and three-quarters times the greatest width;
 - (iii) Standard Shape, the length not to exceed twice the greatest width; and
 - (iv) Sub-standard Shape, all other oysters and oysters that are abnormally flat or thin but otherwise within other grades;
- (c) pack the oysters in a container in the following proportions of grade:
 - (i) Fancy Shape, at least seventy-five per centum by count of fancy shape and no other oyster but choice shape;
 - (ii) Choice Shape, at least eighty-five per centum by count of choice shape and no other oyster below standard shape;
 - (iii) Standard Shape, at least seventy-five per centum by count of standard shape and no other oyster that measures in length more than two and one-half times its greatest width; and
 - (iv) Sub-standard Shape more than twenty-five per centum by count of sub-standard shape oysters or more than five per cent by count that are abnormally flat or thin-lipped or so badly twisted, notched or malformed as to be distorted in shape; and
- (d) clearly stencil the container in letters not less than three-quarters of an inch in height with
 - (i) the name and address of the packer;
 - (ii) the name of the province and of the general area in the province from which the oysters were taken; and
 - (iii) the grade of the oysters.

44. (1) No person shall market oysters in the shell unless the oysters and the container thereof have been inspected by an inspecting officer and the container marked in the manner herein provided.

(2) An inspecting officer, to whom application for inspection is made, shall inspect the oysters and the container thereof and, if satisfied that the regulations have been complied with, shall mark the container by stamp or stencil with a crown enclosing the words "Canada Inspected" and with his number.

45. All oysters imported into Canada, whether in the shell or in bulk, shall be accompanied by a certificate of a competent authority, that will be satisfactory to the Department of National Health and Welfare, and will show that the oysters contained therein are a safe food product.

Fish Inspection Act—continued

46. (1) Scallops shall be shucked, handled and shipped under sanitary conditions to meet the requirements of the Department of National Health and Welfare.

(2) Metal containers only shall be used to receive and hold shucked scallops and, when scallops are being shucked, the tops of such containers shall be high enough above the deck on which the shucker stands to prevent the scallops from being contaminated by waste portions of scallop meat or other material; scallop meat shall be washed in metal containers only; metal containers may be of tin plate, monel metal or aluminum.

(3) Each scallop fishing boat shall be equipped with suitable tanks or containers for carrying salt water from approved sea areas for washing purposes; when scallops are washed on shore, such washing shall be done only in three per cent brine made with water from approved sources and with the permission of the inspector; harbour or dock water shall not be used for washing scallop meat.

(4) Metal containers only shall be used for shipping fresh scallop meat; such containers shall be of not more than five gallon capacity and of such shape that the meat may be chilled throughout; the metal containers shall be packed in ice within a larger wooden container; the metal containers shall be perfectly water-tight so that water from the melting ice cannot enter them; the wooden and metal containers shall be marked with the name and address of the shipper and the number of his certificate; the shipper shall keep a record of each shipment together with the names and licence numbers of the producers from whom he purchased the scallops.

(5) All shucking and packing shall be done on the fishing boats or in licenced premises on land that complies with the requirements of the Department of National Health and Welfare, and no scallop meat shall be permitted to come into contact with fresh water at any time.

(6) Scallop boats shall fully discharge their catches of scallops each trip before returning to the fishing grounds.

(7) The inspector shall satisfy himself that these regulations are being complied with, and the producer, packer or shipper who is found shucking, handling and shipping scallop meat otherwise than in accordance with the regulations shall be liable to the penalty provided in subsection (2) of section 14 of the Act.

47. (1) All establishments for the shucking of shellfish are subject to inspection; they shall be adequately lighted, ventilated and screened, and shall be operated and maintained in a clean and sanitary condition at all times.

(2) All shucked shellfish meats shall after being packed, be immediately chilled either by the containers being placed in ice or by some other suitable means of refrigeration to ensure sufficiently low temperatures being obtained to prevent deterioration.

(3) All containers of shucked shellfish meats shall be marked or labelled with the name and address of the packer, and a true and correct description of the contents, together with a statement of net contents in terms of measure.

48. (1) All fish curing and processing establishments and places where fish are cleaned, salted, smoked or otherwise prepared for market (except canneries which are inspected under the Meat and Canned Foods Act),

Fish Inspection Act—continued

and all puncheons, tubs, curing tanks, barrels, boxes and other utensils used in the process of cleaning, salting, smoking, drying and otherwise preparing fish, are subject to inspection.

(2) The inspector shall periodically visit each fish curing and processing establishment within his district during each season when operations are being carried on in such establishments.

(3) Every fish curing and processing establishment and place shall have an adequate supply of clean water for cleaning fish and for thoroughly washing floors, tables and all utensils used in connection with fish curing and processing.

(4) The floors, splitting and processing tables of every fish curing and processing establishment and place, and all utensils used in connection with the curing and processing of fish, shall be kept clean and shall be thoroughly washed at the end of each day's operations.

(5) All offal, including livers, shall be so disposed of as not to affect the sanitary condition of the fish curing and processing establishment or place or the surrounding ground or water.

(6) Fresh groundfish and mackerel, upon being landed, unless processed immediately, shall be iced and if they are to be transported for processing shall be iced and boxed in quantities of not more than two hundred pounds.

(7) The owner or operator of any fish curing or processing establishment or place, and of the utensils used in the processing or curing of fish, which are found not to conform to the requirements of these regulations is liable to the penalty provided by section 16 of the Act.

49. (1) When a cooper desires to sell or ship containers to be used for packing pickled fish under the Act, he shall give notice in writing or by other sufficient means to the inspector in whose district the cooper's shop is located, of the number of containers he has ready for inspection and when inspection is required.

(2) When a packer desires to sell or ship fish under the Act, he shall give notice in writing, or by other sufficient means, to the inspecting officer in whose district the fish have been packed, of the quantity and kinds of fish he has ready for inspection and when inspection is required.

(3) An inspector on receipt of the notice required by subsection (1) or (2) shall so govern his movements that the least possible time shall elapse between the receipt of the notice and the inspection.

(4) An inspector may detain for the time necessary to complete his inspection any shipment of pickled fish in respect of which he has reasonable grounds for believing that the containers do not conform to the Act or these regulations, and an inspector so detaining such a shipment shall give the owner, if not present, notice of such action by sending a telegram addressed to the packer or repacker whose name is marked on the container.

(5) For the purpose of preserving the identity of any fish subject to inspection, an inspector may, at any time and in any place, detain any fish and the container thereof and place upon the fish or the container a numbered tag in such form as the Minister may prescribe; no person shall, pending completion of the inspection, remove such fish or container, or remove or alter any tag so placed, except with the consent of an inspector.

Fish Inspection Act—continued

(6) Inspectors shall not delay unnecessarily the movement of containers of fish or interfere with the interests of those concerned in the fish trade, except in so far as may be necessary to prevent violations of the Act and these regulations.

(7) Pickled fish may be moved in bulk from an outport to a central point and be sold for packing and preparation for market by the buyer, and be there inspected; provided that the seller and buyer give their local inspectors particulars as to quantity and kind of fish that are being moved in bulk.

50. (1) When inspecting empty containers an inspector shall examine each container in order to satisfy himself that it is constructed in accordance with the regulations; when the container is found to meet with the requirements the inspector shall place thereon a stamp with the words "Container Inspected" and his number; when a container does not conform to the requirements the inspector shall have the words "Pickled Fish" removed therefrom.

(2) When inspecting filled containers an inspector shall closely examine them in order to satisfy himself that they are constructed in accordance with the regulations and he shall, if he considers it necessary, empty the fish out of one container of each size and test its capacity with water; he shall test three others of each size, by calipers, and when he considers it necessary he shall weigh the fish from one container of each size in each lot.

51. (1) When inspecting fish in containers, an inspector shall open and examine one container in ten, when the lot consists of fifty or more containers, and one container in five when the lot consists of less than fifty containers.

(2) Inspectors are not restricted to the provisions of subsection (1), and may open as many containers as they deem necessary to satisfy themselves that the contents comply with all the requirements of these regulations.

(3) The containers opened for examination shall, as far as possible, be opened at the bottom and head alternately; that is to say, when the first barrel is opened at the head, the second shall be opened at the bottom and so on.

(4) From one in every five containers opened, the inspector shall remove and examine the fish to the middle of the container, and from each of the remaining containers opened he shall remove and examine the fish half way to the middle of the container.

(5) The inspector shall remove the fish from the containers when conducting an examination, and shall see that the fish are afterwards placed carefully back in the containers from which they were removed and that the containers are properly closed and coopered without expense to the owner.

(6) When an inspector has completed the inspection of containers of pickled fish, he shall see that each container has been marked as required by these regulations.

52. Fish that are found to be tainted and are considered by the inspector to be unfit for human food shall not be accepted for inspection

Fish Inspection Act—continued

and shall be disposed of by the owner under the direction of the inspector in such a way as to prevent the possibility of their being marketed or sold for human food purposes.

53. (1) Where a packer, repacker or purchaser appeals against the decision of an inspector, and another inspection is authorized by the Minister, the inspector making the second inspection shall make it in the manner prescribed for the first inspection.

(2) An application for reinspection shall be made to the Department within seven days after the fish have been delivered to the applicant; an extension of time may be granted by the Minister at the request of the applicant where the quantity of fish is found to be larger than the applicant can reasonably handle in the specified time.

54. An inspection of imported fish for sale in Canada shall be made in the manner prescribed for the Canadian product.

55. (1) All fish whether in a fresh, frozen or smoked state, shall be sound and wholesome.

(2) An inspector may take samples from any lot of fresh, frozen or smoked fish for the purpose of determining whether or not such lot of fish is sound and wholesome.

(3) All unsound or unwholesome fish, whether in a fresh, frozen or smoked state, shall be disposed of as provided by section 52.

56. (1) The classes and grades of salted fish set forth in Schedule C apply to cod, haddock, hake, cusk, pollock and any other similar species of fish.

(2) A fisherman or other producer or a buyer or dealer who have agreed to sell or buy fish in accordance with the standards set forth in Schedule C, may request the services of an inspector to inspect the fish and decide whether such fish are in accordance with the standards prescribed by these regulations; the inspection shall be made at such time and place as may be agreed upon between the parties and the inspector.

57. No dry or green salted cod, haddock, hake, cusk, or pollock shall be exported from Canada unless

- (a) it has been packed in accordance with the classes and grades set forth in Schedule C,
- (b) the containers have been marked to show the name and address of the packer or exporter, the class, grade and net weight avoir-dupois of the fish in each container, and
- (c) the fish has been inspected within the thirty days immediately preceding the date of its shipment out of Canada by an inspector and the containers stamped or stencilled by him with a crown containing the words "Canada Inspected" and his number.

58. An inspector when required to inspect fish, shall conduct the inspection in such manner and by such method as will entirely satisfy him as to the size, grade and quality of the fish; on completion of the inspection he shall, in the case of export from Canada, issue an inspection certificate and, in the case of inspection agreed upon between the seller and buyer, deliver to each a written report on the result of the inspection.

Fish Inspection Act—continued**Schedule A****REQUIREMENTS FOR THE CONSTRUCTION OF CONTAINERS FOR THE
PACKING AND MARKETING OF PICKLED FISH****1. *Quality of Staves and Heading***

The staves and heading of every barrel, half-barrel and quarter-barrel shall be composed of well-seasoned, close-grained wood of good quality and capable of retaining pickle. Logs to be used for stavewood and heading shall not be allowed to remain in water longer than twenty-eight days during the first half of the year and not longer than ten days during the second half of the year before being cut into staves and heading.

2. *Thickness of Staves and Heading*

The staves of every barrel, when completed, shall be not less than five-eighths of an inch, and the heading not less than three-fourths of an inch in thickness; and the staves of every half-barrel when completed shall be not less than nine-sixteenths of an inch and the heading not less than five-eighths of an inch in thickness, and the staves of every quarter-barrel shall be not less than one-half inch and the heading not less than five-eighths of an inch in thickness.

The staves and heading should be cut one-sixteenth of an inch thicker than the thickness named herein, in order that they may be of the required thickness when dried and made into a barrel.

3. *Width of Staves*

The staves of barrels shall not exceed five inches in width and the staves of half-barrels shall not exceed four inches in width, the staves of quarter-barrels shall not exceed three and one-quarter inches in width.

4. *Composition and Bevelling of Heads*

The heads of barrels and half-barrels shall be composed of not less than three pieces and shall be securely fastened with either hardwood or iron dowels to form a level surface. All heads shall be bevelled one-third outside and two-thirds inside, and shall fit properly in a cleancut croze, one-eighth of an inch deep.

5. *Planing of Heads*

The heads and bottoms of every barrel, half-barrel and quarter-barrel shall be planed on the outside to a smooth finish.

6. *Chimes*

The chimes shall be one in length from the top of the croze, and chamfered to permit the removal of heads or bottoms to allow inspection of contents; provided that where pickled fish are packed under the supervision of an inspecting officer the bottom chimes need not be so chamfered.

7. *Barrels to be Well Fired*

In the course of construction, every barrel, half-barrel and quarter-barrel shall be well fired so as to admit of the staves being bent to the requisite extent and properly trussed. The staves shall not be cracked, broken or patched.

Fish Inspection Act—continued

8. *Hooping*

Every barrel, half-barrel and quarter-barrel shall be hooped in one of the three following ways, viz.:

- (a) entirely with wooden hoops.
- (b) partly with wooden hoops and partly with iron hoops.
- (c) entirely with iron hoops.

provided that from and after the first day of April, 1948 all barrels, half-barrels and quarter-barrels shall be hooped entirely with iron hoops.

9. *Barrels, Half-Barrels and Quarter-Barrels Hooped Entirely with Wooden Hoops*

Every barrel and half-barrel hooped entirely with wooden hoops shall have four end hoops and three quarter hoops. Quarter-barrels shall have three end hoops and three quarter hoops.

10. *Barrels Hooped Partly with Iron and Partly with Wooden Hoops*

Every barrel hooped partly with wooden hoops and partly with iron hoops shall have an iron hoop on each end, one and three-quarter inches wide, of a gauge not less than No. 16 (American Standard) if of black iron and of a gauge not less than No. 17 (American Standard) if of galvanized iron, and shall have not less than three good wooden hoops on each quarter; provided that in reconditioning barrels hooped entirely with wooden hoops an iron hoop one inch in width may be substituted for one wooden hoop on each end.

11. *Barrels Hooped Entirely with Iron Hoops*

Every barrel hooped entirely with iron hoops shall have an iron hoop on each end, as defined in paragraph 10 hereof and shall have either two iron hoops on each quarter, one and one-quarter inches wide of a gauge not less than No. 18 (American Standard) with a space of one and one-half inches between the upper and lower quarter hoops; or shall have one iron hoop on each quarter of the same width and thickness as the end hoops.

12. *Half-Barrels Hooped Partly with Iron and Partly with Wooden Hoops*

Every half-barrel hooped partly with iron and partly with wooden hoops shall have an iron hoop on each end one and one-half inches wide of a gauge not less than No. 17 (American Standard) if of black iron and of a gauge not less than No. 18 (American Standard) if of galvanized iron, and shall have three good wooden hoops on each quarter; provided that in reconditioning half-barrels hooped entirely with wooden hoops an iron hoop one inch in width may be substituted for one wooden hoop on each end.

13. *Half-Barrels Hooped Entirely with Iron Hoops*

Every half-barrel hooped entirely with iron hoops shall have an iron hoop on each end, as defined in paragraph 12 hereof and shall have either two iron hoops one inch wide of a gauge not less than No. 18. (American Standard) on each quarter, with a space of one and one-quarter inches between the upper and lower hoops; or shall have one iron hoop on each quarter of the same width and thickness as the end hoops.

2. Half-Barrels for Herring and Alewives—The staves of every half-barrel intended to be filled with cured herring or alewives shall be twenty-two inches in length and the heads shall be thirteen and one-half inches in diameter, i.e., thirteen and one-half inch cut head. Every such half-barrel shall be sixteen and one-half inches in diameter at the bilge, outside measurement, and be capable of containing eleven gallons, Imperial measure.

Fish Inspection Act—continued

3. Barrels for Herring Cured in Scotch Style—The capacity of barrels and half-barrels intended for use in curing and packing herring in what is known as the Scotch style shall be either as defined in subsections 1 and 2 of this section or shall be twenty-six and two thirds gallons, Imperial measure, for barrels, and thirteen and one-third gallons, Imperial measure, for half-barrels.

4. Barrels for Mackerel—The staves of every barrel intended to be filled with cured mackerel shall be twenty-nine inches in length, and the heads shall be seventeen inches in diameter, i.e. a seventeen-inch cut head; and every such barrel shall be twenty-one inches in diameter at the bilge, outside measurement, and shall be capable of containing twenty-six gallons, Imperial measure.

5. Half-Barrels for Mackerel—The staves of every half-barrel intended to be filled with cured mackerel shall be twenty-four inches in length, and the heads shall be fourteen inches in diameter, i.e., a fourteen-inch cut head. Every such half-barrel shall be seventeen inches in diameter at the bilge, outside measurement, and shall be capable of containing thirteen gallons, Imperial measure.

6. Quarter-Barrels—The staves of quarter-barrels shall be nineteen inches in length and the heads shall be eleven and one-eighth inches in diameter, i.e., an eleven and one-eight-inch cut head. Quarter-barrels shall be thirteen and one-half inches in diameter at the bilge, outside measurement, and shall be capable of containing six and one-quarter gallons, Imperial measure.

7. Pails or Kits—Every pail or kit shall be made of well-seasoned wood of good quality. They shall be well put together and strongly hooped and be capable of retaining pickle. They shall be capable of containing two and two-fifths gallons, Imperial measure.

8. Metal Containers—Cans used for the packing of pickled fish shall be capable of containing ten pounds of fish apart from salt and pickle.

Schedule B

STANDARDS OF QUALITY FOR BONELESS SALT FISH

1. Fancy Quality—Shall consist of whole fillets,
 - (a) Thoroughly cured, clean, sweet and firm,
 - (b) Bled or of the same whiteness as bled fish,
 - (c) Including no slinks, soft, sour, putty, sunburned or discoloured fish or scraps,
 - (d) Having bones and parasites removed,
 - (e) Neatly trimmed, provided that not more than ten per cent by count of the fillets may have ragged edges, tears or holes,
 - (f) Properly dried with no excessive moisture or excessive salt showing at the time of inspection, and
 - (g) Packed in new, clean containers, completely lined with parchment or white waxed paper.

Fish Inspection Act—continued

2. Choice Quality—Shall consist of whole fillets,
 - (a) Thoroughly cured, clean, sweet and firm,
 - (b) Including no slinks, soft, sour, putty, sunburned or discoloured fish or scraps,
 - (c) Having bones and parasites removed,
 - (d) Having not more than twenty per centum by count with ragged edges, tears, holes, or slight discolouration, and none with more than slight discolouration,
 - (e) Properly dried, with no excessive moisture or excessive salt showing at time of inspection, and
 - (f) Packed in new clean containers completely lined with parchment or white waxed paper.
3. Standard Quality—Shall consist of thoroughly cured, clean, sound fish, other than slinks, which do not meet the requirements of Fancy or Choice quality but which do not have more than fifty per centum by count of the pieces with ragged edges, tears, holes, or discolouration.
4. Substandard Quality—Shall consist of cullage from any or all of the above mentioned grades.
5. Bits—Shall consist of pieces of fish of reasonable size and be at least of Standard Quality.
6. Trimmings and Scraps—May include cuttings of clean fish resulting from the preparation of boneless fish.
7. Fibred Fish—Shall consist of boneless fish of at least Choice Quality that has been treated by separating the fibres and shredding the fish by a combing, raking or cutting action. Fibred fish may also be designated as shredded, flossed, fluffed, or spun fish.
8. Middle Cuts—Shall consist of pieces of fish taken from the thick part of Fancy or Choice boneless cod cut to conform to the size of the package in which they are packed for sale.

Schedule C**CLASSES AND GRADES OF SALTED FISH****1. Gaspé Cure Slack Salted (Hard) Dried.**

Selected—Sound quality, reasonably thick, kench or pickle cured; hard dried fish of amber caste, somewhat translucent in appearance, well split, smooth surface, thoroughly clean on back and face, not showing blood stains, clots, liver, gut or any salt on surface.

Choice—Sound quality fish, hard dried, but not up to standard of Selected; not over-salted, broken, sunburned, slimy, or otherwise defective; fish may be slightly rough in appearance, with slight blood stains and may show traces of salt on surface.

Standard—Fish not up to standard of Choice; may be poorly split with rough face, showing salt, blood stains, clots and liver stains, with slight sunburn, but not to include sour or tainted fish or slinks.

Fish Inspection Act—continued

Substandard—Includes cullage from any of the above Slack Salted grades, but not fish of Inferior Grade as herein described.

Sizes—Extra Large	26" and over
Large	22" to 26"
Medium	18" to 22"
Small	12" to 18"
Extra Small	Under 12"

Moisture Content—Not more than thirty-eight per cent.

2. Gaspé Slack Salted (Soft) Dried and Nova Scotia Fall Cure.

Selected—Sound quality, reasonably thick, kench or pickle cured; somewhat translucent in appearance, well split, smooth surface, thoroughly clean on back and face, not showing blood stains, clots, liver, gut or any salt on surface.

Choice—Sound quality fish, but not up to standard of Selected; not over-salted, broken, sunburned, slimy, otherwise defective; fish may be slightly rough in appearance, with slight blood stains and may show traces of salt on surface.

Standard—Fish not up to standard of Choice; may be poorly split with rough face, showing salt, blood stains, clots and liver stains, with slight sunburn, but not to include sour or tainted fish or slinks.

Substandard—Includes cullage from any of the above Slack Salted grades, but no fish of Inferior Grade as herein described.

Sizes—Extra Large	26" and over
Large	22" to 26"
Medium	18" to 22"
Small	12" to 18"
Extra Small	Under 12"

Moisture Content—Not more than forty-eight per cent.

3. Slack Salted Shore Cure (Hard Dried).

Selected—Sound quality, reasonably thick, kench or pickle cured fish; somewhat translucent in appearance, well split, smooth surface, thoroughly clean on back and face, not showing blood stains, clots, liver, gut or any salt on surface.

Choice—Sound quality fish, but not up to standard of Selected; not over-salted, broken, sunburned, slimy, or otherwise defective; fish may be slightly rough in appearance, with slight blood stains and may show traces of salt on surface.

Standard—Fish not up to standard of Choice; may be poorly split with rough face, showing salt, blood stains, clots and liver stains, with slight sunburn, but not to include sour or tainted fish or slinks.

Substandard—Includes cullage from any or all above Slack Salted grades, but not fish of Inferior Grade as herein described.

Sizes—Extra Large	26" and over
Large	22" to 26"
Medium	18" to 22"
Small	12" to 18"
Extra Small	Under 12"

Moisture Content—Not over thirty-eight per cent.

Fish Inspection Act—continued

4. Slack Salted Shore Cure (Dried).

Shall include the Grades and Sizes of Slack Salted Shore Cure (Hard Dried) heretofore described (3), the Moisture Content of which has been reduced to forty-three per cent.

5. Heavy Salted Hard Dried.

Selected—Sound quality reasonably thick fish; firm, smooth, white faced, clean, free from slime; fish to be well split, without blood, liver or other stains; fish may be kench or pickle cured.

Choice—Sound quality fish; firm, white faced, clean and free from slime; fish to be fairly well split, may show slight blood and/or other stains; fish may be somewhat rough in appearance.

Standard—Fish not up to standard of Choice; may be poorly split with rough face showing blood clots, liver and salt stains, with slight sunburn, but not to include sour or tainted fish or slinks.

Substandard—Includes cullage from any of the above Heavy Salted grades (Hard Dried), but not fish of Inferior Grade as herein described.

Sizes—Extra Large	26" and over
Large	22" to 26"
Medium	18" to 22"
Small	12" to 18"
Extra Small	Under 12"

Moisture Content—No more than forty per cent.

6. Heavy Salted Dried.

Shall include the grades and sizes of Heavy Salted Hard Dried heretofore described (5), of which the moisture content is not more than (a) forty-three or (b) forty-five per cent,—as inspected.

7. Inferior Grade (Barbados Quality).

A special type of Substandard Grade, consisting of cullage from any or all the foregoing classifications and/or grades that are below the Standard grade, and including dry fish with dun, slime, sunburn, saltburn, and pieces. Inferior fish may be packed without regard to cull or size.

8. Heavy Salted Saltbulk.

Washed and Pressed—Kench cured bank fish that have been washed and pressed.

Other—Kench cured bank fish.

9. Scale Fish.

The foregoing classes and grades of salted fish apply to cod, haddock, hake, cusk, pollock and any other similar species of fish, provided that Choice, Standard, and Substandard grades only shall apply to haddock, hake, cusk and pollock, with moisture content of forty per cent, forty-three per cent and forty-five per cent for each class. The following sizes shall apply to such fish:

—	Pollock	Hake and Cusk	Haddock
Large.....	Over 16"	Over 20"	Nil
Medium.....	12" to 16"	16" to 20"	Over 13"
Small.....	Under 12"	12" to 16"	Under 13"
Extra Small.....	Nil	Under 12"	Nil

Fish Inspection Act—concluded

10. Green Salted Fish.

Fancy—Sound, heavy salted, reasonably thick pickle cured fish; well split, white naped, without blood clots, blood stains or other such discoloration; firm, smooth faced, bled or of the same whiteness as if fish were bled. (This grade chiefly for the boneless trade.)

Choice—Not up to the standard of Fancy, may be kench or pickle cured; black or white naped, firm and reasonably well split; may show slight discolorations, but must be free of broken, slimy, putty, sour, or tainted fish, and slinks.

Substandard—Includes cullage from either of the above grades of green salted fish.

Sizes—Extra Large	26" and over
Large	22" to 26"
Medium	18" to 22"
Small	12" to 18"
Extra Small	Under 12"

NOTE.—All measurements for size of foregoing grades to be from the end of the backbone at the round of the tail, up the centre, to the end of the flesh at the neck, but not to include the flap of the neck.

11. Pickled Fillets.

Boneless—Sound heavy salted, pickle cured fillets; clean, sweet and firm, reasonably white in colour, all bones and fins removed, napes and edges trimmed to remove loose pieces and tail tips.

Semi-boneless—Same as above without removal of pin bones.

Sizes—Large: cut from fish over 22"—up to 60 pieces per 100 lbs.

Medium: cut from fish 18" to 22"—from 61 to 125 pieces per 100 lbs.

Small: cut from fish 12" to 18"—more than 125 pieces per 100 lbs.

NOTE—Except in the Barbados Quality, fish showing "red" or "pink" are not acceptable under any of the foregoing classifications or grades of salted fish.

FISHERIES ACT. (R.S.C., 1952, c. 119)

	Page
1. <i>Convention relating to the protection, preservation and extension of the Sockeye Salmon Fisheries in the Fraser River System</i>	1430
2. <i>Application of fines and the proceeds from forfeitures</i> ..	1430
3. <i>Walrus protection regulations</i>	1431
4. <i>Seal protection regulations</i>	1432
5. <i>Lobster fishery regulations</i>	1433
5. <i>Removal of obstructions to fishways</i>	1440
7. <i>Protection of belugas</i>	1440
8. <i>Sanitary control of shellfisheries regulations</i>	1441
9. <i>Otter trawl fishing regulations</i>	1443
10. <i>Fishery regulations of the Provinces:</i>	
(1) <i>Nova Scotia</i>	1445

Fisheries Act—continued

10. Fishery Regulations of the Provinces—concluded

	Page
(2) New Brunswick	1484
(3) Newfoundland	1510
(4) Prince Edward Island	1510
(5) Quebec	1521
(6) Ontario	1538
(7) Manitoba	1572
(8) Saskatchewan	1592
(9) Alberta	1604
(10) Northwest Territories	1619
(11) Yukon Territory	1624
(12) British Columbia	1627

1. Convention relating to the protection, preservation and extension of the Sockeye Salmon Fisheries in the Fraser River System

Under this Convention, signed at Washington, May 26, 1930, regulations are adopted by the International Pacific Salmon Fisheries Commission in respect of the waters covered by the Convention. By Article X thereof Canada has agreed to enact and enforce such legislation as may be necessary to make these regulations effective. To this end regulations under the Fisheries Act superseding the existing provisions of the British Columbia Fishery Regulations are made from time to time. The regulations respecting Sockeye Salmon fishing for 1954, were made by Order in Council P.C. 1954-859 of 10th June 1954 and published in Part II of the *Canada Gazette* on June 23, 1954 (page 523).

2. Application of fines and the proceeds from forfeitures

P.C. 5362

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS by section 74 of The Fisheries Act, 1932, the Governor in Council may prescribe the manner in which the proceeds of penalties and the proceeds of the sale of confiscated articles shall be distributed;

AND WHEREAS it is deemed necessary to make the provisions hereinafter set forth which were formerly made by Order in Council P.C. 481 of March 20, 1929 under the authority of The Fisheries Act, chapter 73 of the Revised Statutes, which Act was repealed by The Fisheries Act, 1932;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 74 of The Fisheries Act, 1932, is pleased to order as follows:

1. Order in Council P.C. 481 of March 20, 1929, is hereby revoked; and
2. The "Applications of Fines and the Proceeds from Forfeitures", as hereinafter set out, are hereby established and substituted for the Order in Council hereby revoked.

Fisheries Act—continued

APPLICATIONS OF FINES AND THE PROCEEDS FROM FORFEITURES

1. When penalties are imposed and when articles are confiscated under The Fisheries Act, following complaints laid by employees whose salaries and expenses are paid by a Provincial Government, the proceeds of such penalties and from the disposal of such confiscated articles shall be paid to the Government which pays such employees, on condition that all expenses incurred in such prosecutions and in the custody and disposal of confiscated articles, that are not collected from the defendants, shall be paid by such Government.

2. In all instances where penalties are imposed or articles are confiscated, following prosecutions by fishery officers or fishery guardians employed by the Department of Fisheries, the whole of the proceeds of such prosecutions and from the disposal of such confiscated articles shall be paid to the Minister of Finance through the Department of Fisheries.

3. In instances where the prosecutor is not a fishery officer or fishery guardian of the Department of Fisheries, or an employee of any Provincial Government, a moiety of the penalty levied together with the costs taxed to him in respect thereof, as well as of the proceeds from the disposal of confiscated articles, after the costs incurred in connection with the custody and disposal thereof have been deducted therefrom, shall be paid to him and the other moiety shall be paid to the Minister of Finance through the Department of Fisheries.

3. Walrus Protection Regulations

P.C. 4991

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of September, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of The Fisheries Act, 1932, is pleased to order as follows:

1. The Regulations for the Protection of Walruses, established by Order in Council P.C. 5361 of 31st December 1947, are hereby revoked; and

2. The annexed "Regulations for the Protection of Walruses" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE PROTECTION OF WALRUSES

1. These regulations may be cited as the *Walrus Protection Regulations*.

2. In these regulations "Eskimo" includes a person of mixed Eskimo blood who leads the life of an Eskimo.

Fisheries Act—continued

3. (1) No person shall kill a walrus except for food for himself or his family or his dogs.

(2) No Eskimo having dependents shall kill more than seven walruses in a year.

(3) No person other than an Eskimo having dependants shall kill more than four walruses in a year.

4. No person other than an Eskimo shall kill a walrus without a licence issued by authority of the Minister of Fisheries; and not more than two licences may be issued to representatives of any company, organization or establishment at any one point, station, or post.

5. (1) Unless the hunting or killing is under the supervision of a member or a person authorized by a member of the Royal Canadian Mounted Police, no person shall hunt or kill walruses at Salisbury Island, Nottingham Island or Walrus Island.

(2) The person supervising the hunting and killing of walruses at any of these islands may limit the number of guns carried by the hunters and the number of walruses which may be taken.

(3) Not more than one supervised walrus hunt shall take place at any of such islands in a year.

6. Any person killing any walruses shall report each year to an officer of the Royal Canadian Mounted Police on the 31st of December thereof, or as soon thereafter as possible, the number of walruses killed by him and where such walruses were killed.

7. No person shall sell nor otherwise dispose of walrus meat to anyone except to a traveller or other resident for food for themselves or their families or their dogs.

8. No person shall ship or export from the Northwest Territories or from those parts of the provinces of Quebec and Newfoundland north of 55° North latitude, walrus tusks that are not carved or otherwise worked up for sale in a retail way nor any walrus hides except under permit issued by authority of the Minister of Fisheries.

4. Seal Protection Regulations

P.C. 5293

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to make the following regulations entitled "Regulations for the Protection of Seals" for the purposes of the conservation of seals in northern Canada and their preservation as a food supply for the Eskimos, and they are hereby made and established accordingly.

Fisheries Act—continued

REGULATIONS FOR THE PROTECTION OF SEALS

1. These regulations may be cited as the *Seal Protection Regulations*.
2. In these regulations,
 - (a) "resident" means a person residing continuously in the defined area during a period of not less than twelve months.
 - (b) "defined area" means the Canadian waters and Territories north of 60° North latitude and includes the whole of Ungava, Hudson Bay and James Bay.
3. No person shall kill any seals in the defined area excepting a resident who may kill seals for food for himself, his family and his dogs, and also excepting a person who may be authorized by the Minister to kill seals for scientific purposes.
4. No person shall sell or otherwise dispose of seal meat to anyone except to travellers or other residents for food for themselves or their families or their dogs.

5. Lobster Fishery Regulations

P.C. 1954-1108

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 22nd day of July, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Lobster Fishery Regulations for the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Quebec, made and established by Order in Council P.C. 5699 of 8th November, 1949, as amended, are hereby revoked; and
2. The annexed "Lobster Fishery Regulations for the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Quebec" are hereby made and established in substitution for the regulations hereby revoked.

LOBSTER FISHERY REGULATIONS FOR THE PROVINCES OF NOVA SCOTIA,
NEW BRUNSWICK, PRINCE EDWARD ISLAND AND QUEBEC

1. These regulations may be cited as the *Lobster Fishery Regulations*.
2. No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobster or lobsters from the sixteenth day of January to the thirtieth day of April in each year, both days inclusive, nor from the twenty-fifth day of June to the fourteenth day of November in each year, both days inclusive, within the limits of the following described area which shall be known as Lobster Fishing District

Fisheries Act—continued

No. 1, namely, on and along that portion of the coast or waters thereof of the Province of New Brunswick embraced and included within the county of Charlotte, and the islands adjacent thereto including the Island of Grand Manan, nor shall any one within the above described limits, fish for, catch, kill or retain at any time any lobster or lobsters measuring less than three and three-sixteenths ($3\frac{3}{16}$) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

3. No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobster or lobsters from the sixteenth day of January to the thirtieth day of April in each year, both days inclusive, nor from the twenty-fifth day of June to the fourteenth day of November in each year, both days inclusive, within the limits of the following described area which shall be known as Lobster Fishing District No. 2, namely, on and along that portion of the coast or the waters thereof of the Province of New Brunswick embraced and included within the County of Saint John, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than three and three-sixteenth ($3\frac{3}{16}$) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

4. No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobsters or lobsters from the first day of January to the last day of February in each year, both days inclusive, nor from the twenty-first day of July to the thirty-first day of October in each year, both days inclusive, within the limits of the following described area which shall be known as Lobster Fishing District No. 3, namely, on and along that portion of the coast or waters thereof of the Provinces of New Brunswick and Nova Scotia embraced and included within the County of Albert, New Brunswick, and those portions of Cumberland and Colchester Counties bordering on the Bay of Fundy and tributary waters, as well as the Counties of Hants, Kings and Annapolis, the waters of Annapolis Basin and Digby Gut, as well as the entrance thereto, and of that portion of Digby County that is east of a line drawn north one-half east magnetic from the eastern side of Burns Point, Digby County, Nova Scotia, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than three and three-sixteenths ($3\frac{3}{16}$) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

5. No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobster or lobsters from the first day of June to the last day of November in each year, both days inclusive, within the limits of the following described area which shall be known as Lobster Fishing District No. 4, namely, on and along that portion of the

Fisheries Act—continued

coast or the waters thereof of the Province of Nova Scotia, embraced and included within that portion of the County of Digby that is west of a line drawn north one-half east magnetic from the eastern side of Burns Point, Digby County, and of the Counties of Yarmouth, Shelbourne, Queens, Lunenburg, and that portion of Halifax County that is west of Cole Harbour, and including that said Cole Harbour, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than three and three-sixteenths ($3\frac{3}{16}$) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

6. No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobster or lobsters from the twenty-first day of June in each year to the nineteenth day of April following, both days inclusive, within the limits of the following described area which shall be known as Lobster Fishing District No. 5, namely, on and along that portion of the coast or the waters thereof of the Province of Nova Scotia, from but not including Cole Harbour, Halifax County, to a straight line drawn east southeast magnetic from Ragged Point, Guysboro County, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than two and one-half ($2\frac{1}{2}$) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

7. No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobster or lobsters from the sixteenth day of July in each year to the fifteenth day of May following, both days inclusive, within the limits of the following described area which shall be known as Lobster Fishing District No. 6A, namely, on and along that portion of the coast or the waters thereof of the Island of Cape Breton from a straight line drawn due south magnetic from Indian Rock off Point Michaud, Richmond County, to a straight line drawn due south magnetic from Indian Point, Cape Breton County, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than three and three-sixteenths ($3\frac{3}{16}$) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

8. No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobster or lobsters from the sixteenth day of July in each year to the fifteenth day of May following, both days inclusive, within the limits of the following described area which shall be known as Lobster Fishing District No. 6B, namely, on and along that portion of the coast or the waters thereof of the Island of Cape Breton, from a straight line drawn due south magnetic from Indian Point, Cape Breton County, northwardly to Cape St. Lawrence, Inverness County, thence westwardly to a straight line drawn northwest magnetic from Stewart's Brook, Sight Point, Inverness County, including St. Paul Island

Fisheries Act—continued

and the waters of the Bras d'Or Lakes, north of a straight line drawn from Irish Cove, Cape Breton County, to Alba, Inverness County, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than two and one-half ($2\frac{1}{2}$) inches in length, measured from the rear of either eye socket along a line parallel to the centre of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

9. No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobster or lobsters from the first day of July in each year to the last day of April following, both days inclusive, within the limits of the following described area which shall be known as Lobster Fishing District No. 7A, namely, on and along that portion of the coast and waters thereof and the island adjacent thereto of Richmond County, Nova Scotia, lying between a straight line drawn due south magnetic from Indian Rock off Point Michaud and a straight line drawn south 31 degrees 24 minutes east magnetic from Bear Head, also the waters of Bras d'Or Lakes south of a straight line drawn from Irish Cove, Cape Breton County, to Alba, Inverness County, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than three and three-sixteenths ($3\frac{3}{16}$) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

10. No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobster or lobsters from the first day of July in each year to the last day of April following, both days inclusive, within the limits of the following described area which shall be known as Lobster Fishing District No. 7B, namely, on and along that portion of the coast or the waters thereof of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island from a line northwest magnetic from Stewart's Brook, Sight Point, Inverness County, Nova Scotia, southwardly, westwardly and northwardly, following the coast line to the northern boundary of New Brunswick, including the coast and waters thereof of all the islands adjacent to these portions of the coasts of the said Provinces, also the Strait of Canso down to a straight line east-southeast magnetic from Ragged Point, Guysboro County, Nova Scotia, and the portion of the coast and waters thereof, and of the islands adjacent thereto of Richmond County, Nova Scotia, that is westward of a straight line south 31 degrees 24 minutes east magnetic from Bear Head in Richmond County, excluding from the foregoing that portion of the Strait of Northumberland between a straight line in the northwest from the north side of Eel River, Kent County, New Brunswick, to a point five marine miles north magnetic from North Point Light, Prince Edward Island, and a straight line on the southeast from the west side of River Philip Channel, at the mouth of the river, Nova Scotia, to the eastern entrance of Victoria Harbour, Queens County, Prince Edward Island, and from the said eastern entrance through Victoria Harbour to the end of the government wharf at Victoria; nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than two and one-half ($2\frac{1}{2}$) inches in length, measured from the rear of

Fisheries Act—continued

either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

11. No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobster or lobsters from the sixth day of October in each year to the ninth day of August following, both days inclusive, within the limits of the following described area which shall be known as Lobster Fishing District No. 8, namely, on and along the coast or the waters thereof of that portion of the Strait of Northumberland between a straight line on the northwest drawn from the north side of Eel River, Kent County, New Brunswick, to a point five marine miles north magnetic from North Point Light, Prince Edward Island, and a straight line on the southeast drawn from the west side of River Philip Channel at the mouth of the river, Nova Scotia, to the eastern entrance to Victoria Harbour, Queens County, Prince Edward Island, and from the said eastern entrance through Victoria Harbour to the end of the government wharf at Victoria, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than two and one-half ($2\frac{1}{2}$) inches in length, measured from the rear of either eye socket, along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

12. (1) No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobster or lobsters on and along the coast or the waters thereof of the following area which shall be known as Lobster Fishing District No. 9, namely,

- (a) of the counties of Quebec south of the river St. Lawrence from the eleventh day of July to the thirtieth day of April, both days inclusive;
- (b) of the Magdalen Islands, including Bird Rocks and Brion Island, from the eleventh day of July to the ninth day of May, both days inclusive.

(2) No person shall at any time fish for lobsters in lagoons of the Islands named in paragraph (b) of subsection (1).

(3) No person shall at any time within the limits described in subsection (1) fish for, catch, kill or retain any lobster or lobsters measuring less than two and five-eighths ($2\frac{5}{8}$) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

13. (1) No person shall fish for, catch, kill, nor shall any person without lawful excuse have in possession, any lobster or lobsters from the first day of August to the nineteenth day of May, both days inclusive, within the limits of the following described area which shall be known as Lobster Fishing District No. 10, namely, on and along that portion of the coast or the waters thereof of that portion of the Province of Quebec north of the gulf and river St. Lawrence, including the coast or waters thereof of Anticosti Island.

Fisheries Act—continued

(2) No person shall at any time within the limits described in subsection (1) fish for, catch, kill or retain any lobster or lobsters measuring less than two and five-eighths ($2\frac{5}{8}$) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

14. In any area defined in these regulations, when the lobster fishing season therein in any year ends on Sunday, the closing day for such fishing shall be the following Monday.

15. (1) No person shall fish for, catch, kill or have in possession for any purpose whatever, any softshell lobster or lobsters or any lobster or lobsters with eggs attached, and any such lobster or lobsters that may be caught accidentally shall be returned immediately to the water.

(2) The owner or operator of any pound or enclosure in which lobsters caught legally during the open season are retained alive for sale during the close season shall liberate immediately any lobster or lobsters with eggs attached that he may from time to time find therein.

16. (1) No person shall at any time, without lawful excuse, retain or have in possession any lobster or lobsters less than two and one-half ($2\frac{1}{2}$) inches in length, measured from the rear of either eye socket, along a line parallel to the centre line of the body shell to the rear end of the body shell.

(2) No person shall catch, kill, or have in possession, without lawful excuse, any lobster for which the outside width of the second abdominal segment measured from one pleural spur to the other is less than one and three-eighths ($1\frac{3}{8}$) inches.

17. (1) In lobster fishing no person shall use trawls or implements other than traps made of laths and netting with a ring or rings in the netting to permit lobsters to enter.

(2) No person shall use, nor shall any person possess, a lobster trap in any of the lobster fishing districts described in sections 2, 3, 4, 5, 7 and 9 of these regulations which does not have a continuous and unobstructed space measuring at least one and five-eighths ($1\frac{5}{8}$) inches between the two undermost laths on each side of the trap.

(3) No person shall use, nor shall any person possess, a lobster trap in any of the lobster fishing districts described in sections 6, 8, 10, 11, 12 and 13 of these regulations which does not have a continuous and unobstructed space measuring at least one and one-quarter ($1\frac{1}{4}$) inches between the two undermost laths on each side of the trap.

(4) No person shall set or place lobster traps nearer than 100 yards to any stationary salmon net set for taking salmon.

Fisheries Act—continued

18. No person shall leave the shore for the fishing grounds with buoys, anchors, lines or other lobster gear or place such gear in the fishing grounds more than twelve hours before the expiration of any close time specified in these regulations, except that when the close time ends on Sunday it is lawful to leave the shore for the fishing grounds as aforesaid or place such gear in the fishing grounds any time after twelve o'clock noon on Saturday.

19. (1) No person shall engage in lobster fishing nor shall anyone leave any port or place in Canada to fish for lobsters either inside or outside territorial waters of Canada, excepting under licence from the Minister. The fee for such licence is twenty-five cents, except that in the Province of Quebec, including Magdalen Islands which include Bird Rocks and Brion Island, where the fee is calculated at the rate of one cent per trap set, with a minimum fee of twenty-five cents per licence, and in the Province of Quebec not more than three hundred lobster traps shall be used by any one lobster fishing boat regardless of the number of men employed on such boat.

(2) Every person who assists or helps another in lobster fishing or in attending to lobster traps, or accompanies a boat engaged in lobster fishing, is considered to be fishing for lobsters.

(3) A licensee shall fish only in the lobster fishing district for which his licence is issued.

(4) Not more than one licence may be issued to a licensee in any year.

(5) Should a lobster fisherman wish to fish in any of the lobster fishing districts described in these regulations other than the one in which he resides, he shall procure from the Fisheries inspector in his home inspector's district an identification certificate, which shall be delivered to the Fisheries inspector for the area in the district in which he desires to fish when he applies for a licence, but no identification certificate will be issued to anyone who has, during that year, held a lobster fishing licence.

(6) A licensee shall at all times when engaged in fishing carry his licence with him and shall on demand by any fishery officer, patrol boat officer or fishery guardian, produce his licence to such officer or guardian for examination.

20. (1) No person shall, during the lobster fishing season of any year, use in lobster fishing any boat, trap or other lobster fishing equipment that had been used during that year in lobster fishing operations in any other lobster fishing district.

(2) Lobster traps or other lobster fishing gear that are left in the water of any district after the end of the lobster fishing season for that district shall be deemed to be there for purposes of illegal lobster fishing and may be seized and confiscated.

Fisheries Act—continued**6. Removal of obstructions to fishways**

P.C. 1954-1724

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and pursuant to section 34 of the Fisheries Act, is pleased to revoke the regulation established by Order in Council P.C. 579 of 9th March, 1936, relating to the removal of obstructions interfering with the free passage of fish in streams and other waters, and is pleased to make and doth hereby make and establish the following regulation in substitution therefor.

Removal of Obstructions

Where the Minister of Fisheries is satisfied that any natural or casual obstruction existing in any stream or other waters, whether navigable or non-navigable, is interfering or is likely to interfere with the free passage of fish, the Minister of Fisheries may cause such obstruction in whole or in part, as the circumstances may require to be released, or removed or destroyed in such manner and by such means as he deems fit.

7. Regulations for the protection of belugas

P.C. 1954-1725

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Regulations for the Protection of Belugas, established by Order in Council P.C. 2707 of 2nd June, 1949, as amended, are hereby revoked; and

2. The following regulations are hereby made and established in substitution for the regulations hereby revoked.

Fisheries Act—continued

REGULATIONS FOR THE PROTECTION OF BELUGAS

1. In the waters or the tidal tributaries of Hudson Bay, Hudson Strait, James Bay and Ungava Bay,

- (a) No person except under the authority of a licence or except as herein otherwise permitted shall fish for or kill a beluga or belugas (cetacean of the genus *Delphinapterus*);
- (b) The following persons may without a licence fish for or kill belugas for their own domestic use and for the feeding of their dogs:
 - (i) an Indian, Eskimo, halfbreed Indian or Eskimo, and
 - (ii) members of the Royal Canadian Mounted Police;
- (c) Any person may dispose of the meat of a beluga lawfully killed to travellers for food for themselves or their dogs;
- (d) The Minister of Fisheries upon such terms and conditions as he requires may authorize issue of a licence to any person to fish for or kill belugas; and
- (e) Every such licence shall expire on the thirty-first day of December of the year in which granted; the fee therefor is one dollar (\$1.00).

2. In the portion of the Churchill River up stream from a straight line drawn due east and west across the river to a point two miles down stream from Mosquito Point (Lat. 58° 41' North, Long. 94° 12' West), no person shall fish for, catch or kill any beluga for commercial purposes.

8. Sanitary Control of Shellfish Fisheries Regulations

P.C. 1954-1796

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Regulations Governing the Sanitary Control of Shellfish Fisheries, established by Order in Council P.C. 1245 of 3rd April, 1947, are hereby revoked; and

2. The annexed "Regulations Governing the Sanitary Control of Shellfish Fisheries" are hereby made and established in substitution for the regulations hereby revoked.

Fisheries Act—*continued*

REGULATIONS GOVERNING THE SANITARY CONTROL OF SHELLFISH FISHERIES

1. These regulations may be cited as the *Sanitary Control of Shellfish Fisheries Regulations*.

2. In these regulations,

- (a) “analyst” means the Director of the Fish Inspection Laboratory, any person employed therein, or any officer of the Department of National Health and Welfare, appointed under authority of section 5 of the Fish Inspection Act and under authority of section 5 of the Meat and Canned Foods Act, expressly for the purpose of enforcing these regulations;
- (b) “contaminated area” means any shellfish area so defined by the Department of National Health and Welfare;
- (c) “Fish Inspection Laboratory” means the Fish Inspection Laboratory, any person employed therein, or any officer of the Department of National Health and Welfare, appointed under the authority of section 5 of the Fish Inspection Act and under the authority of section 5 of the Meat and Canned Foods Act, expressly for the purpose of enforcing these regulations;
- (d) “person” means an individual person and includes a partnership, association, company or corporation;
- (e) “pure water area” means any shellfish ground that has been approved by the Department of National Health and Welfare for the relaying under special permit of shellfish which have been transferred from contaminated areas;
- (f) “shellfish” includes oysters, clams, mussels, scallops and all other bivalve molluscs;
- (g) “shellfish grounds” means all areas from which shellfish are or may be taken; and
- (h) “transplanting” means the act of removing shellfish from one growing area or shellfish ground to another area or ground for any purpose.

3. These regulations apply to all phases of the shellfish fisheries of Eastern Canada, including the fishing, producing, growing, taking, transplanting or storing of shellfish, and to the sanitary control that is in any way required to assure that shellfish are maintained in a safe and sanitary condition for human consumption.

4. (1) An analyst has power to make such investigations or examinations of shellfish grounds and methods or facilities used or involved in the fishing, producing, growing, taking, transplanting and storing of shellfish as are deemed necessary to secure compliance with these regulations, and for such purposes, may enter, investigate, survey or examine all shellfish grounds, equipment, and all places, either publicly or privately owned, where shellfish are grown, kept or stored.

(2) In the course of any such investigations, an analyst has the authority to take free of charge such samples of shellfish as are deemed necessary.

5. Where, after examination by the Fish Inspection Laboratory or the Department of National Health and Welfare, the Department of

Fisheries Act—continued

National Health and Welfare declares that contamination exists in any shellfish grounds, the Minister may immediately condemn such shellfish grounds and declare them to be a contaminated area, may establish and promulgate definite boundaries of such area or areas and may cause signs to be posted on such area or areas.

6. (1) No person shall fish for, dig or take shellfish from a contaminated area except by special permit issued under the authority of the Minister.

(2) The holder of such special permit may take shellfish only from areas specified in the permit for the purpose of relaying such shellfish in pure water areas.

(3) Fishing for, taking or removing shellfish under such special permit shall be restricted to such times as may be specified in the permit.

(4) The shellfish so taken under special permit shall be transferred directly to pure water areas from the producing beds and remain in such areas for such time as may be specified by the Minister.

7. The Minister may issue a special permit allowing the taking of shellfish for bait from contaminated areas.

8. (1) All equipment used for the fishing, storing or transporting of shellfish shall be kept clean at all times and shall be so constructed as to prevent shellfish at all times from coming in contact with drainage or bilge water, or polluted water of any kind; decks, holds or bins used for storage on boats shall not be washed with polluted water.

(2) Workmen and other persons on boats shall not directly discharge human body wastes into the waters over shellfish areas.

9. Otter Trawl Fishing Regulations

P.C. 1954-1797

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Regulations respecting the Licensing of Otter Trawl Fishing in Atlantic Coast Waters, established by Order in Council P.C. 2327 of 16th May 1951, as amended, are hereby revoked; and

2. The annexed "Regulations respecting the Licensing of Otter Trawl Fishing in Atlantic Coast Waters" are hereby made and established in substitution for the regulations hereby revoked.

Fisheries Act—continuedREGULATIONS RESPECTING THE LICENSING OF OTTER TRAWL FISHING
IN ATLANTIC COAST WATERS

1. These regulations may be cited as the *Otter Trawl Fishing Regulations*.
2. In these regulations,
 - (a) “dragger” or “small dragger” means a vessel measuring one hundred feet or less overall length of main hull that uses an otter or other trawl of a similar nature for catching fish;
 - (b) “Minister” means the Minister of Fisheries; and
 - (c) “trawler” means a vessel measuring more than one hundred feet overall length of main hull that uses an otter or other trawl of a similar nature for catching fish.
3. (1) The Minister may in his discretion issue to an applicant a licence to fish with a trawler upon the following conditions:
 - (a) the applicant for such licence shall satisfy the Minister that the operation of the trawler will not interfere with other methods of fishing; and
 - (b) there shall be painted on both bows and on both quarters of such fishing vessel the number of the licence under which it is operating; the said number shall be painted in white on a black ground and each figure shall be not less than eighteen inches in length and two and a half inches in breadth.(2) The fee for a trawler licence is \$25.00 a year payable with the application.
4. (1) The Minister may in his discretion issue to an applicant a licence to fish with a dragger upon the following conditions:
 - (a) the applicant shall satisfy the Minister that the operation of the dragger will not interfere with other methods of inshore fishing; and
 - (b) there shall be painted on both bows of such fishing vessel the number of the licence under which it is operating; the said number shall be painted in white on a black ground and each figure shall not be less than six inches in length and one-half inch in breadth.(2) The fee for a dragger licence is \$5.00 a year if the dragger measures sixty-five feet or less overall length of main hull, and \$15.00 a year if the dragger measures more than sixty-five feet overall length of main hull, payable with the application.
5. Any licence issued under these regulations expires on the 31st of March of the fiscal year for which it was issued.
6. These regulations do not apply to trawlers or draggers operated in Pacific Coast waters.
7. The Minister may order that the operations of the licensed trawler or dragger be restricted to any particular place or time, and prescribe such other conditions as he may deem necessary to carry out the provisions of any fisheries laws or regulations.
8. The Minister may cancel or suspend any licence issued under these regulations, if he ascertains that the operations under such licence were not conducted in conformity with these regulations or the provisions of any fisheries laws, or the conditions of the licence.

Fisheries Act—continued

10. Fishery Regulations of the Provinces

(1) Nova Scotia Fishery Regulations

P.C. 1954-2062

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of Nova Scotia, established by Order in Council P.C. 5691 of 8th November, 1949, as amended, are hereby revoked; and

2. The annexed "Nova Scotia Fishery Regulations" are hereby made and established in substitution for the regulations hereby revoked.

NOVA SCOTIA FISHERY REGULATIONS

1. These regulations may be cited as the *Nova Scotia Fishery Regulations*.

2. In these regulations,

- (a) "angling" means the taking of fish with hook and line held in the hand or hook and line and rod, the latter held in the hand, but does not include set lines or lines tied to a boat;
- (b) "bag-net" is an apparatus that catches fish without enmeshing them, consisting of a bag attached to stakes, and floats with the tide or current;
- (c) "closed season" means a specified period in which fish may not legally be taken;
- (d) "fishery guardian" means a guardian employed by authority of the Minister;
- (e) "fishery officer" means such officer having authority from the Department of Fisheries;
- (f) "fly-surface fishing" means angling with an artificial fly or flies, which may be single or double hooked, attached to the line or to a leader that is attached to the line;
- (g) "gill-net" means a net that catches fish by enmeshing them but which does not enclose an area of water;
- (h) "grilse" means a young salmon;
- (i) "hook" as used in angling, means a bait or lure capable of catching but one fish at a time;
- (j) "jigging" means fishing for, catching or killing fish with a hook or hooks manipulated so as to pierce and hook a fish in any part of the body other than the mouth;
- (k) "Minister" means the Minister of Fisheries;
- (l) "non-resident" means any person domiciled in the Province for a period of less than six months;

Fisheries Act—continued

- (m) “one day” means from two hours before sunrise to two hours after sunset;
- (n) “purse-seine” is a net weighted at the bottom and mounted with rings through which a line is run; also it is floated at the top and cast from a boat so as to enclose an area of water and then closed at the bottom by the aforesaid line through the rings so as to form a purse or bag;
- (o) “Regional Supervisor” means the Regional Supervisor of Fisheries for the region concerned;
- (p) “shellfish” includes oysters, clams, mussels, scallops and other bivalve molluscs;
- (q) “spent” or “slink” salmon means salmon that are in poor condition and that are returning to sea after spawning;
- (r) “sport fish” includes salmon, trout and bass;
- (s) “trap-net” means an apparatus that is so set as to enclose an area of water into which area fish are guided by a leader and find entrance through an opening or openings;
- (t) “trout” includes char, speckled trout, salmon trout, grey trout and ouananiche or landlocked salmon, and
- (u) “weir” differs from a “trap-net” in that it is constructed of brush and twine or wire netting.

ANGLING

3. (1) In angling no person shall use more than one fishing line, and such fishing line shall not have more than three separate hooks, and in fly surface fishing a double hooked fly may be used.

(2) The jigging of any sport fish is prohibited.

(3) Fishing by angling for any fish is prohibited in non-tidal waters frequented by sport fish when sport fishing therein is illegal.

(4) Angling for sport fish is prohibited from two hours after sunset to two hours before sunrise, and in the waters of Trout River, Lake Ainslie, angling for sport fish is prohibited from one hour after sunset to one hour before sunrise.

(5) No person shall angle except by fly surface fishing in the waters of the North River from the Highway Bridge at North River Bridge to the source of the North River, Victoria County.

(6) A non resident shall not angle for or take sport fish without first obtaining an angler's permit issued by authority of the Minister; the fee for such permit is five dollars for the season or any part thereof, and minors under fifteen years of age when accompanied by a resident or by a non-resident permittee are not required to have a permit.

(7) One angler's permit only shall be issued to each applicant, the permit is not transferable and can be used only by the person whose name appears thereon.

(8) The holder of an angler's permit is required to produce and exhibit it when called upon to do so by any fishery officer or fishery guardian.

Bass

4. (1) No person shall fish for, catch or kill bass except by angling.

(2) No person shall fish for, catch or kill a small-mouthed or large-mouthed black bass from the first day of November to the thirtieth day of June next following.

Fisheries Act—continued

(3) No person shall fish for, catch or kill, in any one day by angling, or shall carry away a greater number of bass than, in the aggregate, shall weigh more than twenty pounds plus one such fish and no greater number than thirty, although the said number weigh less than twenty pounds.

(4) No person shall retain any striped bass less than twelve inches in length nor any black bass less than nine inches in length, measured from the tip of the nose to the end of the tail; any one who catches any such bass shall immediately return it to the water.

Certificates

5. All packages of fish legally taken during the legal fishing season for such fish, and offered for shipment during the closed season for catching such fish, shall be accompanied by a certificate from a fishery officer or by a statutory declaration by the shipper that such fish were legally taken; the certificate or declaration shall state the number of packages in the shipment together with the name or names of the kind or kinds of fish contained in the shipment and may be attached to the shipper's waybill.

Clams

(See Shellfish)

6. (1) For the purposes of this section clams include Soft-shell, Long-neck or Squirt clams (*Mya arenaria*); Bar clams (*Macra solidissima*); and Quahaugs (*Venus mercenaria*).

(2) No person shall fish for, take, have in possession or sell any bar clam less than two and one quarter inches in length of shell measured in a straight line nor any other clam less than two inches so measured.

(3) No one shall retain any clam of a length less than that specified beyond the period required to measure it when he shall return it to the area from which it was taken; but soft-shell clams of a length less than that specified may be taken, had in possession or sold when taken from an overpopulated area so designated by the Minister.

(4) In fishing for or taking soft-shell clams from any public bed only hand tools may be used.

(5) The export of soft-shelled clams (*Mya arenaria*) from the province of Nova Scotia, to any place in or out of Canada, except in the shucked or canned state is prohibited.

(6) In the Sissiboo River area in the County of Digby during any one calendar year,

(a) the quantity of clams which may be taken for export from the province in the raw state shall not exceed six hundred barrels of two and one-half bushels each in the shell, and

(b) the quantity of clams which may be taken for canning purposes within the province shall not exceed six hundred barrels of two and one-half bushels each in the shell.

(7) For the purposes of subsection (6), "raw state" includes shucked clams converted back to the shell state.

(8) No person shall take or have in possession clams from the waters of St. Mary's bay, from New Edinburgh point to Major's point in Digby County, except for bait or for local domestic use.

(9) Fishing for quahaugs on Sunday is prohibited.

Fisheries Act—*continued**Eel Fishing*

(See also County Regulations)

7. (1) During the months of October and November, in each year, no person shall fish for eels with a spear or with a torch or light of any kind in waters frequented by salmon or trout; and this method of fishing for eels is prohibited at all times in non-tidal waters frequented by salmon or trout.

(2) The use of spears of any kind at any time in fishing for eels or other fish is prohibited along that portion of the route of the cable of the commercial cable company from Horne's point to the mouth of Gaspereaux brook, both inclusive, Guysboro County.

(3) The use of spears is prohibited at any time for catching eels on any live oyster bed.

Explosives

8. The presence of dynamite or other explosive on board any fishing boat without the written permission of a fishery officer is deemed to be evidence of the killing of fish with explosive materials.

Gaspereau

9. (1) Except as herein otherwise provided the use of gill-nets for catching gaspereau is permitted until June fifteenth inclusive.

(2) No person shall fish for, catch or kill gaspereau from six o'clock of the afternoon of Saturday to six o'clock of the morning of the Monday following, except as herein otherwise provided.

(3) The mesh of nets to be used for the catching of gaspereau shall be not more than three inches extension measure, when in use.

(4) The use of dip-nets for taking gaspereau is permitted until June fifteenth of each year.

(5) All gaspereau nets shall be legibly marked by a tag or float attached thereto, with the full name of the owner or operator of the net, so that the tag or float can be readily seen at all stages of the water without raising the net.

(6) When the regional supervisor finds that gaspereau fishing is unduly harmful to any other fishery in his district, he may prohibit gaspereau fishing operations therein at any time before the closing dates.

(7) Except as herein otherwise provided, in any river or its tributary across which a dam exists, the use of nets of any kind or of weirs for taking gaspereau is prohibited in the portion of such river or tributary thereto above the dam.

Herring

10. Except as herein otherwise provided fishing for herring in the manner known as "driving" with torch flambeaux or other light, is prohibited.

Fisheries Act—continued

Mussels

(See Shellfish)

11. No person shall fish for, or take mussels in the waters of the Province extending from Cape Sable Island, Shelburne County, westerly and northerly around the coast, including the shores of the Bay of Fundy to the New Brunswick boundary.

Purse-Seines

(See also County Regulations)

12. (1) No person shall operate a purse-seine except for the taking of mackerel, herring or pollock.

(2) No person shall operate a purse-seine nor shall anyone leave any port or place in Canada to set or operate a purse-seine either inside or outside territorial waters of Canada, except under licence from the Minister; before a licence is granted the applicant therefor shall make a statutory declaration stating the name or names of the owner or owners of the purse-seine and of the person or persons for whose benefit it is to be operated, as well as the nationality of the owner or owners and person or persons.

(3) No purse-seine shall be set or operated within one mile of any weir, trap-net or other stationery fishing appliance operated under licence.

(4) For the taking of pollock no purse-seine having meshes measuring less than two inches extension measure when in use shall be set or operated.

(5) A purse-seine licence shall expire at the end of the calendar year in which it is issued, the fee for such licence is one dollar.

Non-Tidal Waters

(See also County Regulations)

13. (1) Except as herein otherwise provided, the use of nets in non-tidal waters except for the capture of gaspereau is prohibited.

(2) Except as herein otherwise provided, in any river across which a dam exists the use of nets of any kind or of weirs for taking gaspereau is prohibited in the portion of the river above the dam.

(3) The use of set lines or trawls in all non-tidal waters is prohibited.

Oysters

(See also Shellfish)

14. (1) No person shall fish for or catch oysters on public beds except under licence from the Minister, the fee for a licence is fifty cents.

(2) From the first day of December to the twenty-fourth day of September following, both days inclusive, no person shall fish for, catch or kill oysters on public beds.

(3) From the first day of June to the thirty-first day of August following both days inclusive, except for the purpose of replanting, no person shall fish for, catch or kill oysters on leased areas.

Fisheries Act—continued

(4) Except with the authority of the Minister, no person shall place in the waters of the province, any oysters that were taken outside the said waters.

(5) Fishing for oysters is prohibited on Sunday and from sunset to sunrise on any other day of the week.

15. The Minister may, where he deems it necessary, prescribe the minimum distance from a live oyster bed up to which mud digging may be permitted, and no person shall dig mud within such prescribed distance.

16. The use for taking oysters on public oyster beds, of quahaug rakes, oyster drags or dredges, tongs operated by purchase power or tongs or rakes other than those now in use in oyster fishing is prohibited.

17. Under a special permit issued by authority of the Minister unculled oysters may be taken from areas specified in such permit for the purpose of stocking leased oyster areas; and picking of oysters is permitted only from the first day of June to the twenty-fourth day of September following, both days inclusive; the Regional Supervisor may prohibit or restrict such picking to a shorter period if he deems it detrimental to the fishery.

18. Except as herein otherwise provided, no person shall fish for, retain or kill any oyster of a less size than three and one-half inches measured in a straight line across the widest part of the shell.

19. Oysters of any size may be taken and removed from any leased area for relaying, and such oysters may be taken to and relaid on any other area when such transfer is not otherwise prohibited.

20. (1) Single undersized oysters taken from public beds in fishing operations shall be immediately returned to the water but undersized oysters that are in clusters or attached to oysters of legal size may be brought to shore for separating and culling and shall then be immediately returned to the public areas from which they were taken.

(2) No person shall fish for, or take oysters from December first in each year to October fourteenth following, both dates inclusive, from the waters of Wallace Harbour not included in the description of area 3 in the Schedule hereto.

Pollock

21. (1) No person shall fish for, catch or kill pollock with spears or grapnel or gaff hooks, but the use of a gaff in hook and line fishing is permitted.

(2) No person shall fish for pollock with a drag-seine, but the Minister may license any person to fish for pollock with a drag-seine that has a minimum mesh of three and one-half inches extension measure when in use.

(3) A drag licence expires at the end of the calendar year in which it is issued, the fee for a licence is one dollar.

(4) A licensee shall not fish within one mile of a weir, or trap-net, or stationary fishing appliance, that is operated under a licence.

Prohibitions

(See also County Regulations)

22. (1) The introduction of non-indigenous or non-native fish into the waters of the province, except by special permission of the Minister is prohibited.

Fisheries Act—continued

(2) The use of drag-seines is prohibited in the waters of Bras d'Or lakes.

(3) On the island of Cape Breton,

(a) no net shall be set nearer to the outlet or entrance of any lake than three hundred yards,

(b) no nets, except smelt and gaspereau nets, shall be set in the ponds at the outlet of any river or stream,

(c) no net shall be set nearer than one-half mile outside the entrance of any river or stream frequented by salmon or trout,

(d) no net shall be set in non-tidal waters, and

(e) no salmon net shall be set in the tidal waters of any river with the exception of Mira river, Cape Breton county, and Grand river, Richmond county, where straight gill-nets only may be used, and, for hatchery purposes only, of Margaree river, Inverness county.

(4) Excepting dip-net fishing for gaspereau, fishing other than by angling in Shubenacadie or Grand lake, and Big Ship Harbour Lake (Lake Charlotte) is prohibited.

(5) No person shall fish in any stream within one hundred yards of an authorized county fence, barrier or other obstruction used in observing the passage of fish.

Salmon

(See also County Regulations)

23. (1) No person shall fish for, catch or kill salmon except with gill-nets, drift-nets, trap-nets or weirs, or by angling.

(2) The mesh of salmon drift-nets, gill-nets or trap-nets, and the leaders of salmon weirs shall be not less than five inches extension measure, when in use.

(3) All salmon nets shall be legibly marked by a tag or float attached thereto, with the full name of the owner or operator of the net thereon, so that the tag or float can be readily seen at all stages of the water without raising the net.

(4) No person shall fish for salmon with a net of any kind except under licence from the Minister; the fee for a licence is one dollar.

(5) No person shall fish for, catch or kill salmon with nets of any kind,

(a) in the waters off the counties of Cumberland, Colchester, Pictou, Antigonish and Inverness in Northumberland Strait, the Strait of Canso and the Gulf of St. Lawrence from the sixteenth day of August to the fourth day of June following.

(b) in the waters off the counties of Victoria, Cape Breton, Richmond, Guysborough, Halifax, Lunenburg, Queens and Shelburne from Cape North to Cape Sable in the Atlantic Ocean and its tributary waters from the sixteenth day of August to the fourteenth day of April following both days inclusive, or

(c) in the waters off the Bay of Fundy area from Cape Sable off the counties of Shelburne, Yarmouth, Digby, Annapolis, Kings, Hants, Colchester and Cumberland from the sixteenth day of August to the fourteenth day of May following, both days inclusive.

Fisheries Act—continued

24. Except as herein otherwise provided, from the time of low water nearest six o'clock in the forenoon of Saturday to the time of low water nearest six o'clock in the forenoon of Monday, all salmon fishing gill-nets, drift-nets, trap-nets and weirs shall be raised or adapted to admit the free passage of fish through, by or out of such apparatus or be effectively closed to completely obstruct and prevent the entrance of fish into such apparatus, but this close time shall not apply to nets operated on exposed portions of the coast and in Minas Basin and Cobequid bay the weekly close time for salmon drift-nets shall be from of high water nearest six o'clock in the forenoon of Saturday to the time of high water nearest six o'clock in the forenoon of Monday.

25. (1) No person shall fish for, catch or kill salmon by angling,
- (a) in the waters of Cumberland, Colchester, Pictou, Antigonish and Inverness counties which are tributary to Northumberland Strait, the Strait of Canso and the Gulf of St. Lawrence, from the sixteenth day of September to the fourth day of June following, both days inclusive, but in the specified waters in Cumberland and Colchester counties angling is permitted until the fifteenth day of October, and in the waters of Inverness county until the thirtieth day of September,
 - (b) in the waters of Victoria, Cape Breton, Richmond, Guysborough, Halifax, Lunenburg, Queens, Shelburne, Yarmouth, Digby, Annapolis and Kings counties tributary to the Atlantic Ocean and the Bay of Fundy, from the first day of September to the fourteenth day of April following, both days inclusive, but in the specified waters in the counties of Cape Breton, Richmond and Victoria, except the Baddeck and Middle Rivers, angling is permitted until the thirtieth day of September and in Baddeck and Middle Rivers until the fifteenth day of October, and in the waters of Guysborough and Halifax counties until the fifteenth day of September,
 - (c) in the waters of Hants, Colchester and Cumberland counties which are tributary to the Bay of Fundy from the sixteenth day of September to the fourteenth day of May following, both days inclusive, but in the waters of Cumberland and Colchester counties angling is permitted until the fifteenth day of October,
 - (d) in the waters of the Counties of Cumberland and Colchester, from the fifteenth day of October in each year to the fourteenth day of April following, both days inclusive, and
 - (e) in the waters of Halifax County, from the sixteenth day of September in each year to the thirtieth day of April following, both days inclusive.

(2) The number of salmon that may be taken in a day by an angler shall not exceed five, and in any one week shall not exceed twenty, and in the waters of the island of Cape Breton not more than three salmon may be taken in any one day by an angler.

(3) Angling for salmon is restricted to fly surface fishing and in such fishing the use of any bait or lures other than artificial flies is prohibited.

Fisheries Act—continued

(4) No person shall use a dam for the purpose of so regulating the retention or discharge of water as to facilitate the catching of salmon either by suddenly closing or opening the dam, or in any other manner whatsoever.

(5) Unless taken by angling no person shall retain or keep out of the water from which taken any salmon or grilse weighing less than three pounds round weight: a person who takes any such salmon or grilse except by angling shall return it immediately to the water.

(6) No person shall fish for, catch, kill or retain any spent or slink salmon.

(7) The use of a torch or other artificial light in fishing for or catching salmon is prohibited.

26. In dip-netting for gaspereau or shad no salmon inadvertently taken may be retained, but shall be returned to the water.

Scallops

27. (1) No boat shall be used in scallop fishing nor shall any person leave any port or place in the province to fish for scallops either inside or outside territorial waters except in a boat that is under licence from the Minister; the fee for such licence is one dollar.

(2) No person shall fish for scallops from the first day of May to the thirtieth day of September both days inclusive, within seven nautical miles of the shores of the counties of Annapolis and Digby, between a straight line drawn due north magnetic from Parkers Cove, Annapolis County, and a straight line drawn due west magnetic from Whipple Point, Briar Island, Digby County.

(3) No person shall fish for scallops in the waters of Lunenburg County from the first day of May to the thirty-first day of October following both days inclusive.

(4) In fishing for scallops in the area specified in subsections (2) and (4) the total combined length of the drags used by any scallop fishing boat shall not exceed eighteen feet.

(5) In that part of the Bay of Fundy east of a line drawn from the lighthouse at Cape St. Mary, Digby County, to the lighthouse at Western Head in the State of Maine, no person shall fish for scallops with scallop rake bags that are less than three and one-quarter inches inside diameter.

(6) "Floating" or "soaking" scallop meat in fresh water is prohibited.

Shad

(See also County Regulations)

28. (1) Except as herein otherwise provided, no person shall fish for, catch or kill shad except with gill-nets, drift-nets, or by angling.

(2) No person shall fish for shad with a gill-net or a drift net, except under licence from the Minister; the fee for a licence is one dollar.

(3) Except as herein otherwise provided, no person shall fish for, catch or kill shad in non-tidal waters.

Fisheries Act—continued

(4) All shad nets shall have attached thereto a wood or metal plate on which the number of the licence and the name of the licensee is plainly marked in such manner as to be readily examined by a fishery officer.

29. (1) Shad fishing is permitted only from the sixteenth day of May until the twentieth day of June, both days inclusive, but in the tidal waters of the Shubenacadie and Stewiacke rivers and in the tidal waters of their tributaries shad fishing is permitted only from May first to June tenth, both days inclusive, and for the purposes hereof the mouth of the Shubenacadie river is a straight line drawn from Maitland Ferry, Hants County, to Black Rock, Colchester County.

(2) Notwithstanding subsection (1) in the Bay of Fundy and its remaining tidal tributary waters fishing for shad is permitted from May first to September thirtieth, both days inclusive.

(3) From the time of low water nearest six o'clock in the afternoon of Friday to the time of low water nearest six o'clock in the forenoon of Monday, no person shall fish for, catch or kill shad and after September first there shall be no weekly closed time.

(4) The mesh of shad gill-nets and drift-nets shall be not less than five inches extension measure when in use.

(5) When the Regional Supervisor finds that shad fishing, in his region becomes unduly harmful to any other fishery, he may prohibit shad fishing therein at any time.

Shellfish

30. (1) No person shall fish for or take shellfish in any area listed in the Schedule hereto except as provided therein.

(2) Notwithstanding subsection (1) the Minister may at his discretion authorize by special permit the taking of clams for use as bait only from any of the areas listed in the Schedule hereto.

(3) Notwithstanding subsection (1) oysters may be taken and removed from any of the areas described in the Schedule to these regulations under the following conditions:

- (a) a special permit shall be obtained from the Minister to allow the holder to fish for, take and remove oysters from the area specified therein for the purpose of relaying them in pure water areas or of chlorinating them,
- (b) fishing for, taking or removing oysters is restricted to the period between the first day of June and thirty first day of July, both days inclusive,
- (c) the pure water areas shall be approved by the Minister and oysters shall be transferred directly to such areas from the producing beds and remain in the areas for the minimum period of time specified by the Minister, and
- (d) chlorinating shall be done under conditions and for the time specified by the Minister.

Smelts

(See also County Regulations)

31. (1) Except as herein otherwise provided, no person shall fish for smelts except with a gill-net, bag-net, box-net or hook and line; and in

Fisheries Act—continued

the waters of Digby County and Kings County, fishing for smelts by dip-net for local use but not for sale or barter is permitted until and including the thirty-first day of May.

(2) No person shall fish for smelts with a gill-net or bag-net or box-net where box-nets are permitted except under licence from the Minister.

(3) The fee for each set of smelt gill-nets of one hundred and fifty fathoms or less is one dollar.

(4) The fee for each smelt bag-net or box-net is one dollar.

(5) Smelt gill-nets and bag-nets shall have a mesh of not less than one and one-quarter inches extension measure when in use.

(6) No person shall fish for smelts with a gill-net from the first day of March to the fourteenth day of October both days inclusive.

32. (1) No person shall fish for smelts with a bag-net

(a) in the counties of Cumberland, Colchester, Pictou, Antigonish, Guysborough or Halifax, from the sixth day of February to the thirtieth day of October, both days inclusive; nor

(b) in any other county from the first day of March to the twenty-fourth day of November, both days inclusive.

(2) Smelt bag-nets or gill-nets shall not be set or used within fifty yards from each other across a river nor within one hundred yards of each other up and down river, but a fishery officer may require such greater distance between nets either across or up and down a river as he deems necessary.

33. (1) Smelt gill-nets or bag-nets shall not be set in the spans of bridges nor within one hundred yards of such spans.

(2) All smelt nets shall be legibly marked by a tag or float attached thereto with the full name of the owner or operator of the net thereon so that the tag or float can be readily seen at all stages of the water without raising the net.

34. (1) Except as herein otherwise provided, no person shall fish for, catch or kill smelts from the first day of April to the thirty-first day of July, both days inclusive.

(2) No person shall prepare to fish with bag-nets either by cutting holes in the ice for, or in connection with fishing purposes, or by placing rigging of any kind for fishing, before eight o'clock in the morning of the day on which bag-net fishing may legally begin.

(3) Every person opening a hole in the ice for the purpose of taking smelts shall mark the hole with four evergreen bushes at least six feet in height, when the hole is not in use.

(4) The use of smelt box-nets is permitted in bays and inlets of Cape Breton island where the width of the tidal water area is not less than one-half mile between the opposite shores, but such box-nets may be used only during the legal smelt bag-net fishing season.

Trout and Landlocked Salmon

35. (1) Except as herein otherwise provided, no person shall fish for, catch or kill trout of any kind from the sixteenth day of September, to the fourteenth day of April next following, both days inclusive.

Fisheries Act—continued

(2) No person shall at any time fish for, catch or kill trout except by angling, jigging is prohibited.

(3) Except as herein otherwise provided, no one shall fish for, catch or kill by angling, in any of the waters of the Province, in one day, or shall carry away a greater number of trout than in the aggregate weigh more than ten pounds, plus one trout, and no greater number than twenty, although the said number weigh less than ten pounds.

(4) No one shall fish for, catch or kill, by angling, in any of the waters of the Province, in one day, or shall carry away more than three grey trout and no grey trout that is less than fifteen inches in length measured from the end of the nose to the centre of the tail shall be retained; any grey trout of a less size that may be caught shall forthwith be returned to the water.

(5) No one shall fish for, catch or kill, by angling in Shubenacadie, Grand Lake and its tributary waters, in one day, or shall carry away more than ten landlocked salmon and no landlocked salmon that is less than fifteen inches in length measured from end of the nose to the centre of the tail shall be retained; any landlocked salmon of a less size that may be caught shall forthwith be returned to the water.

(6) A non-resident, under authority of a written permit from a fishery officer or the railway station agent of the district in which the fish were caught, may take or ship out of the province the lawful catch of two day's fishing, that is, no greater number of trout than in the aggregate weigh more than twenty pounds plus two trout and no greater number than forty although the weight in the aggregate is less than twenty pounds.

(7) No person shall fish for or retain a trout that is less than six inches in length measured in a straight line from the end of the nose to the centre of the tail; any person who catches a trout less than six inches in length so measured shall return the trout to the water.

(8) The use of a torch or other artificial light in fishing for or catching trout is prohibited.

(9) Nothing in this section shall apply to the breeding or rearing of trout of any kind by private enterprise for commercial purposes, and no person shall engage in the breeding or rearing of trout for commercial purposes except under permit from the Minister, and under rules that may be prescribed by the Minister.

(10) In Sunken (Sumpter) lake, Kings County, in Rumsey Lake, Annapolis County and in Lever's Lake, Cape Breton County, no person shall fish for, catch or kill trout of any kind from the first day of November to the last day of June following, both days inclusive.

(11) No person shall fish for or retain any rainbow trout that is less than eight inches in length measured from the end of the nose to the centre of the tail, and anyone who catches any such trout which is less than eight inches in length shall immediately return it to the water.

Trap-Nets

(See also County Regulations)

36. (1) No person shall operate a trap-net except under licence from the Minister; the fee for such licence is one dollar.

Fisheries Act—continued

(2) Except as herein otherwise provided no seine shall be drawn nor any net set within one hundred and ten fathoms (one-eighth of a mile) of any trap-net nor shall any trap-net be set or placed nearer to another trap-net than one hundred and ten fathoms (one-eighth of a mile).

(3) All trap-nets shall be legibly marked with a tag or float attached thereto, with the full name of the owner or operator of the net and the number of his licence so that the tag or float can be readily seen at all stages of the water without raising the net.

(4) Where a double bowl is used on a trap-net the distance across the widest part of the second bowl must not exceed the distance across the widest part of the original bowl.

(5) The distance between trap-nets shall be measured from the trap twine nearest the next adjoining trap twine.

(6) Before a licence for a trap-net berth is issued to any person, company, partnership or group, the Minister may require the applicant to furnish a statutory declaration stating the following particulars:

- (a) the name and address of the manager or spokesman for the company, partnership or group;
- (b) the name, address and nationality of all persons having any interest in the company, partnership or group, and the shares held by each;
- (c) a copy of an agreement signed by the shareholders and certified by the manager or spokesman stating how the berth will be operated for the benefit of the shareholders, and
- (d) a statement as to whether or not the berth was operated the previous year and if not, the reason, also if it is intended to operate the berth during the current year.

Weirs

(See also County Regulations)

37. (1) Except as herein otherwise provided no person shall operate a weir except under licence from the Minister, the fee for such licence is one dollar.

(2) Except as herein otherwise provided, the distance between licensed weirs shall not be less than one hundred and ten fathoms.

(3) All brush weirs built on flats (so-called) which go dry at low tide shall be provided with suitable escape gates to permit the passage of fish therefrom. These escape gates must be opened before each low tide to permit the escape of fish and prevent needless destruction.

COUNTY REGULATIONS

County of Cape Breton

38. (1) Except as herein otherwise provided, no net, weir, or other contrivance for taking fish other than smelts shall be set or placed in the tidal waters of Sydney river.

(2) Within a quarter of a mile of the entrance to Little Bras d'Or Lake, and up to and including a quarter of a mile on the western side of Little Bras d'Or bridge, no herring net shall be allowed to remain set in the water between ten o'clock in the morning and four o'clock in the afternoon of each day.

Fisheries Act—continued

(3) Except in the tidal portion of the Mira river, no salmon net fishing is permitted in any river in the county of Cape Breton.

(4) No nets for taking smelts shall be set in Catalone Lake.

(5) Gaspereau gill-net fishing in the tidal portions of Mira river and Sydney river is permitted on and after June fifteenth in each year when in the opinion of the Regional Supervisor such fish are required as bait for sea fishing and no other fresh bait is available on the coast in the vicinity of these rivers.

County of Inverness

39. No flume, eel-box or pot, or any other contrivance for taking fish shall be set with its mouth upstream in any river or branch thereof from the first day of July until the tenth day of November, if, in the opinion of a fishery officer, such appliances destroy young gaspereau, salmon or trout.

40. The entrance to Mabou river is a straight line drawn directly across the river from the north end of the breakwater at the outlet from Mabou harbour.

41. (1) Gaspereau gill-nets set in any river shall not exceed thirty fathoms in length.

(2) No weir or other contrivance for taking fish, set abreast of any island, shall take up or extend more than one-third of the stream on either side of such island, and no weir or other contrivance shall be placed within fifty yards either above or below such island.

42 (1) From the upper line of the Indian lands at the Forks of Margaree to ten chains above it, only one weir is permitted to be set or placed, and such weir shall occupy not more than one-quarter of the stream; if such weir be set or placed at a point where the two rivers meet, only one-sixth of the stream shall be occupied.

(2) No person shall set or place a weir opposite another weir in any river, nor within sixty yards of any other weir.

(3) No weir shall exceed in length thirty feet from the sluice, and no sluice shall exceed twenty feet in length.

(4) No weir shall be placed by the side of any wharf or bulwark erected in any part of the Margaree river.

(5) No seine, trap-net, fish pound or fish-box shall be used in any stream, and no weir shall be turned upwards against the stream.

43. (1) Fishing is prohibited in Trout Brook, Lake Ainslie, upstream from one hundred and five yards south of the southern side of the highway bridge; and fishing, other than fly-surface fishing, is prohibited downstream therefrom to within one hundred yards of either side of the entrance of the brook.

(2) No net other than a smelt net shall be set in the tidal waters of the Southwest Mabou river.

(3) No net of any description shall be set in the waters of river Denys, the mouth of the river shall be a straight line drawn due west from Plaster rock on the east side to the shore on the opposite side.

Fisheries Act—continued

(4) No net of any description, with the exception of smelt nets, shall be set in the waters of Munroe cove, Denys basin, nor within one-half mile of Munroe bridge.

(5) Gaspereau gill-net fishing in Margaree harbour is permitted on and after the fifteenth of June in each year, when in the opinion of the Regional Supervisor such fish are required as bait for sea fishing and no other fresh bait is available on the sea coast in that vicinity.

(6) No net of any kind shall be set in the waters of Captain John's brook, Little Judique, except nets for catching smelts.

(7) No person shall set or use a gill-net in the waters of the Margaree River up stream from a line drawn at right angles from the Department of Fisheries retaining pond, to the opposite side of the river.

County of Cumberland

44. (1) The tidal boundary in River Philip, is at the foot of Hannan's falls, so-called.

(2) Weirs, for taking fish of any kind, are not permitted in any of the rivers of this county, nor within half a mile of the mouth thereof.

(3) Nets for taking gaspereau shall not be set in the Wallace river above a point nearer than one-quarter of a mile below the site formerly occupied by Messrs. Rindress and Seamens' milldam, on Wallace river.

(4) Gaspereau fishing is permitted until June thirtieth only, inclusive.

(5) Under written permit from a fishery officer, dip-netting for smelts by the residents of the county, for their own domestic use and not for sale or barter, is permitted until June fifteenth of each year, in the streams of the county that are tributary to Bay of Fundy.

(6) In taking clams along the north shore of Minas Basin, the size limit provided in the general regulation for clams shall not apply.

County of Colchester

45. (1) Under written permit from a fishery officer, dip-netting for smelts by the residents of the county for their own domestic use and not for sale or barter, is permitted until June fifteenth of each year, in the streams of Colchester county that are tributary to Minas Basin and Cobequid Bay.

(2) In taking clams along the north shore of Minas Basin, the size limit as provided in the general regulation for clams shall not apply.

County of Guysborough

46. (1) Moorings for nets (excepting for salmon) shall not be dropped or placed at a less distance from each other than seventy fathoms, unless the net or nets set thereto be moored at each end; then a distance of not less than sixty fathoms shall obtain, and all moorings shall be of sufficient strength to hold a fleet of two nets in ordinary weather, and the buoys attached thereto shall be marked with the owner's names.

(2) No person shall set more than two nets (salmon nets and smelt gill-nets excepted), not to exceed twenty fathoms each in length, to any mooring, nor shall any net be so set that one shall be on top or over the other, that is, one sunken and one afloat, nor shall any net or nets exceed in depth an ordinary mackerel net.

Fisheries Act—continued

(3) When the nets are set or sunken under the surface of the water their position shall be marked by not less than three floating buoys attached to each one with the owner's name legibly marked thereon.

(4) No person shall sweep or haul with a seine, net or other appliance any fish within the entrance or mouth of any fresh-water lake, river or stream, nor within one-half mile of the entrance outside of the same on either shore.

(5) No net or trap of any kind shall be set or used in the waters of Cole Harbour River above a line drawn from Dort wharf on the northerly side of the river to the northern end of Munroe Island.

(6) A fishery officer may authorize the taking of gaspereau for bait purposes only, during the weekly close time for these fish.

47. (1) Traps shall not extend outward more than sixty fathoms from the shore end of the leader to the back or outside of the trap, but in no instance shall the shore end of the leader be deemed to begin farther from shore than the first point where the water is four fathoms or more deep at high water.

(2) No net shall be set or operated nearer a trap than forty fathoms from the back or outside thereof or one hundred fathoms from the first point nearest the shore where the water is four fathoms deep or more at high water.

(3) The distance along shore, between traps shall be one hundred and ten fathoms, except in cases authorized by a fishery officer with the consent of the owners of the traps affected.

(4) No fisherman shall be allowed to set more than three fleets of nets in the harbour.

(5) All nets in the harbour shall be hauled and taken on shore by one hour after sunrise, weather permitting; no nets shall be set in the harbour earlier than one hour before sunset.

County of Halifax

48. (1) Except under licence from the Minister, no person shall in Halifax county

- (a) operate a seine of any kind in an established seining district, nor
- (b) operate a set seine in any seining district.

(2) A seine licence expires at the end of the calendar year in which it is issued; the fee for such licence is one dollar.

(3) In an established seining district an applicant, to qualify for a seine licence must be

- (a) the owner of a seine net less than eighty fathoms in length and eight fathoms in depth in the bunt, and five fathoms in the bridle sheets, and made of twine not lighter than No. 6 cotton or No. 2 mullet, and having meshes not larger than two and a half inches extension measure when in use,
- (b) the owner of a seine boat not smaller than seventeen feet long in the bottom and five feet ten inches wide at the top, and

Fisheries Act—continued

- (c) a resident within the seining district, who makes it his place of fishing, and having therein fish houses and stores, to provide sufficient accommodation for the proper curing and caring for the fish caught under the licence.
- (4) In any part of Halifax County
 - (a) a seine shall not exceed one hundred and twenty fathoms in length, and when the seine is set from the shore and the arm is rounded in, a net not exceeding twenty fathoms in length may be set from the shore running in the direction of the rounded-in arm so as to form a mouth;
 - (b) in cases where seines are set on shoals, or near ledges, the seine may surround an area of water; and
 - (c) the use of a leader in seine fishing is prohibited.
- (5) In any part of Halifax County outside of an established seining district
 - (a) a licence entitles the holder to fish in the berth named therein until he has caught twenty barrels of mackerel and the licence shall thereupon terminate; the holder of an unexhausted licence is entitled to all fish taken in the last haul, notwithstanding that the quantity may be in excess of that required to exhaust his licence; and
 - (b) anyone may shoot a seine around a school of fish without a licence, but shooting a seine is not permitted within two hundred and twenty fathoms (one-quarter of a mile) of any seine, trap-net or other stationary fishing apparatus operated under licence from the Minister.
- (6) In any established seining district in the County of Halifax
 - (a) from the first day of May to the fifteenth day of November both days inclusive, no nets or fishing apparatus of any kind, not under licence shall be set within one hundred and ten fathoms of
 - (i) the shore of the mainland or of adjacent islands;
 - (ii) reefs or rocks where seines are being fished under licence;
 - (iii) any part of a seine, other than the moorings, actually set under licence;
 - (b) no person shall sail or row a boat through or over a seine net within the limits of a berth, and no person shall disturb the water within the limits of the berth so as to frighten fish;
 - (c) a licence shall entitle the holder to fish within the limits of the berth for which it is issued by seine fishing, until the holder has caught twenty barrels of mackerel, and, in the Lower Prospect and Terrance Bay districts, until the holder has caught fish in the fresh state to the total value of Five Hundred Dollars (\$500), and the licence shall thereupon terminate, but such fishing shall be carried on only during the two seasons, from May first to July fifteenth, both days inclusive, and from July sixteenth to November fifteenth, both days inclusive;
 - (d) berth licences shall be numbered, the holder of licence No. 1 shall be entitled to the first fishing privilege within the limits of a berth named in his licence;
 - (e) the holder of the licence next in number shall be entitled to shoot a seine at the rounded-in arm of the seine owned by the holder of

Fisheries Act—continued

the licence, the number of which immediately precedes his, and to the rights of fishery in the berth when the preceding licence shall terminate;

- (f) one hour after sunrise in the absence without lawful excuse of the licence holder having the first right to shoot a seine the next licensee in order may shoot his seine in the berth and be entitled to all the fish he may catch in that shoot;
- (g) it is a lawful excuse if a licensee is absent from his berth to attend the funeral of kinsfolk or friend, or is engaged in drying his seine;
- (h) one hour after sunrise in the absence of any licence holder in a berth, any seine owner may shoot a seine, the first owner throwing his anchor and fastening his seine to a stake and having sufficient crew to work the seine, shall have preference in the berth, and the next in order throwing anchor and fastening his line to a stake, may shoot his seine from the rounded arm of the first;
- (i) any fish caught in berths by any other than the person entitled to fish therein, when the berth is occupied by the person entitled thereto, shall be the property of the licensee;
- (j) licences shall be issued and allotted to the person entitled thereto in the order and for the berths named at a meeting of the seine owners to be called by a fishery officer for that purpose in the first week in January and the first week in July in each year, due notice of such meetings shall be given by the fishery officer; and
- (k) the holder of an unexhausted licence shall be entitled to all the fish taken in the last shoot of the seine, notwithstanding that the quantity of fish caught may be in excess of that required to exhaust the licence.

(7) The following districts in the county of Halifax are seining districts:

WEST DOVER: To include the waters within one-half mile of a line drawn from Shark Rock (near Corney's Rock) on the west, to the eastern end of Big White Island, on the east; thence in a northwardly direction to Ryan point; thence by the coast westwardly to Black Duck river.

UPPER PROSPECT: To include the waters within one-half mile of the coast from Shag Head on the West to midway between the northern and southern entrance of the channel between Shannon Island and the mainland on the east, and of the islands therein embracing the northern half of Shannon island, the west side of Betty Island and all of Duck island, Breakfast island, Hopson island, Burnt island, Norris island, Hern island and Roost island.

SAMBRO DISTRICT: To include that portion of Halifax county extending from Morris point, on the east, to Pennant point, on the west and embracing the waters of Sambro harbour.

LOWER PROSPECT: To include that portion of the coast of Halifax county within one-half mile of the shore and of adjacent islands extending from midway between the northern and southern entrance of the channel between Shannon island and the mainland on the west, including the eastern shore of Shannon island and the eastern shore of Betty island to Brig point, and on the east by a

Fisheries Act—continued

line true north from the southernmost point of Mars island, including Power island, Bald Rock, Bartlett island, Otter island, Ryan island, Norris island and Mars island.

TERENCE BAY: To include that portion of the coast to Halifax county from a line drawn true north from the southernmost point of Mars island to the mainland, on the west, to a line drawn north magnetic from the northern point of Pennant island to the mainland, on the east, including Big Woody island, Little Woody island, Mackerel island, and Power island, with the exception of the eastern and western berths on the south side, and the western half of outer Pennant island.

PENNANT DISTRICT: To include the waters of Pennant harbour and Pennant point, on the east, to the eastern boundary of the seining district of Terence Bay.

(8) The Herring Cove district, including the coast waters of the county of Halifax from Crowley's point on the south to Holy Stone on the north both inclusive, is established as a seining district, and to it the following regulations apply instead of those in the previous portion of this section:

- (a) all berths shall run in an east-northeast direction and shall not extend beyond twenty-five fathoms from high water mark on shore;
- (b) from the first day of August to the twentieth day of November, both days inclusive, no one shall fish with a seine except under licence from the Minister; the fee for a licence is one dollar;
- (c) licences for the different berths in this district shall be drawn for each season at a meeting called for that purpose by a fishery officer during the last week in July of each year;
- (d) at the meeting a fishermen's committee consisting of three members shall be appointed by the resident fishermen present to assist the fishery officer in the drawing and to advise him in any matters pertaining to the operation of the seine berths;
- (e) to be entitled to draw, an applicant shall be present or have a representative present at the meeting, and such applicant or representative shall be approved by a majority of the resident fishermen present; the fishermen's committee may recommend to the local fishery officer that a licence be issued to any fisherman who comes into possession of the required fishing gear to entitle him to a draw, after the meeting is held;
- (f) to qualify for a seine licence an applicant shall possess a net not less than fifty fathoms in length and six fathoms in depth in the bunt, which for the purposes hereof will be known as a seine;
- (g) each fisherman who draws a berth will, upon payment of the licence fee, have issued to him a licence to entitle him to occupy the berth named therein on the date seine fishing commences;
- (h) the seine fishing season commences on the first day of August and terminates on the twentieth day of November both days inclusive, and during this period no nets nor fishing apparatus of any kind not under licence shall be set or used within one hundred fathoms of highwater mark on shore along the portion of the coast where seine berths are being operated but for a period of one month from a date to be set by the fishermen's committee, herring gill-nets may

Fisheries Act—continued

be operated anywhere within the seining district excepting within a radius of twenty-five fathoms from the peak or outer point of a licensed seine; and

- (i) each licensee shall move his seine one berth north not later than six o'clock in the afternoon, of each day during the seining season until the northernmost berth known as Holy Stone is reached, from which berth he shall move to the southernmost berth, known as Crowley's Point, and proceed again in a like manner.

49. (1) Except as herein otherwise provided, no net or other apparatus for taking fish shall be used or set within the limits described in the following waters:

- (a) Ecum Secum river—within two hundred and fifty yards on either side of the bridge on the main road and within the same distance of Leslie's mill site;
- (b) Moser's river—above the landing;
- (c) Quoddy river—inside a line, magnetic, drawn east and west from the northern end of Paul's island;
- (d) Salmon river, Port Dufferin—above the north corner of the mill wharf;
- (e) Sheet Harbour rivers—within two hundred and fifty yards of West river bridge, Little river bridge or above Jackson's wharf, East river;
- (f) Kirby river—within the mouth of the river; but smelt gill-nets may be set under licence during the legal fishing season;
- (g) Tangier river—above the north corner of George Ferguson's wharf and west of same, nor in the small lake below Mooseland mills;
- (h) Ship Harbour river—within two hundred and fifty yards of the mouth of the river, and also within two hundred and fifty yards of the mouth of Newcomb's brook;
- (i) Musquodoboit river—above Gardner's line on the north side of White rock on the south side;
- (j) Petpeswick river—within two hundred and fifty yards of the bridge;
- (k) Chezzetcook river—within two hundred and fifty yards of the large granite called Boundary rock;
- (l) Porter's lake—in Porter's lake, or within two hundred yards of any outlet or entrance thereof connecting the lake with the Atlantic ocean, except that the local inhabitants are permitted to set nets for gaspereau from the fifteenth to the thirty-first day of May, both days inclusive;
- (m) Lawrencetown river—within two hundred and fifty yards on either side of the dyke, provided that gill-nets for taking smelts may be set under licence during the legal season;
- (n) Cole Harbour dyke and river—within Cole Harbour dyke or the mouth of the river and two hundred and fifty yards outside the same; but smelt gill-nets may be set under licence during the legal season, and residents may set herring nets having a mesh of not less than two and one-quarter inches extension measure until the fifteenth day of May in that part of Cole Harbour on the western side from the point at the County cemetery northward to Stoney Wharf, Lawlors Cove;

Fisheries Act—continued

- (o) Cow bay run—within two hundred and fifty yards on either side;
- (p) Nine Mile river—north of a point two hundred and fifty yards below the highway bridge near the mouth of the river, but gill-nets only may be set for gaspereau only, within the area from the highway bridge upstream one-half mile, during the legal fishing season for gaspereau;
- (q) Prospect bay river—within two hundred and fifty yards from White's wharf, so-called;
- (r) Terence bay river—within two hundred and fifty yards from low mark;
- (s) Sackville river—above a line drawn from the public landing at Bedford across the head of Bedford basin to Butler's point; but in the area below this line and above one drawn from the side of the Florence Hotel on the western side of Bedford basin to Partridge point on the eastern side of Bedford basin only herring gill-nets operated until May thirty-first and licensed salmon nets during the legal season therefor may be used; and
- (t) Necum Teuch river—within a line drawn southeast and northwest magnetic two hundred yards seaward of Ansel Smith island.

(2) Fishing for gaspereau with dip-nets and fishing by angling, during the legal season for each, is permitted in all the waters named in subsection (1).

50. No person shall fish for, catch or kill salmon with a net of any kind in that portion of the Musquodoboit Inlet from a line drawn east and west magnetic across the said inlet at a point three hundred feet southwardly from the southern end of Long island in the said entrance, thence northerly including the Narrows to a line drawn east and west magnetic across the said inlet at a point three hundred feet north of the northern end of the said Long island.

51. That portion of the coast waters of the county of Halifax described in subsection 7 of section 48 as the seining district of Upper Prospect is a salmon fishing district, within the limits of which the following regulations apply:

- (a) salmon net berths shall be drawn for and licences issued to persons entitled thereto at an annual meeting to be held during the month of November of each year, the date to be set by a fishery officer, and due notice to be given by him to the fishermen;
- (b) to qualify for a licence, an applicant is requested to possess seven fleets of salmon gill-nets, each fleet to consist of two nets not less than fifteen fathoms long, provided that if two or more persons indicate their desire to operate jointly and notify the fishery officer, and are in possession of the specified number of nets, they may qualify for one licence and take part in the drawing;
- (c) before participating in the drawing for berths, each applicant shall possess the specified amount of fishing gear, proof of which he shall be prepared to submit to the fishery officer; and
- (d) until each qualified applicant has been assigned a berth at the drawing no person shall be entitled to a second draw and then only with the approval of the majority of applicants.

Fisheries Act—continued

52. Fishing by any means is prohibited in the waters of any part of the canal lock on the property of the Department of Fisheries at Shubenacadie Grand lake except under such conditions as may be determined by the Minister.

53. A fishery officer may authorize the taking of gaspereau for bait purposes only during the weekly close time for these fish.

54. Fishing by any means is prohibited in the waters of Ingraham river from a point twenty-five yards seaward of the highway bridge at Ingraham port to a point twenty-five yards above the said bridge.

55. In the waters of Rawden river, a tributary of Shubenacadie Grand Lake, Halifax County, dip-netting for smelts by residents of the County for local domestic use but not for sale or barter is permitted to April thirtieth only.

56. In the waters of Halifax County, gaspereau fishing is permitted up to and including June thirtieth of each year.

County of Hants

57. No flume, eel-box or other contrivance shall be set with its mouth upstream, if it will destroy young salmon or alewives, from the first day of July until the thirtieth day of November following, both days inclusive.

58. No drifting for shad or gaspereau is allowed in the Avon river, inside a straight line drawn from the point in Avondale where the St. Croix river joins the Avon to Armstrong creek on the Falmouth side, and the Dominion Atlantic Railway bridge.

59. Gaspereau gill-nets may be used in the non-tidal water of the Shubenacadie river until June fifteenth inclusive.

60. Under written permit from a fishery officer, dip-netting for smelts by the residents of the county for their own domestic use and not for sale or barter, is permitted until June fifteenth inclusive.

County of Pictou

61. No nets or other apparatus for taking fish shall be used or set within the limits described in the following waters and fishing in these waters is permitted by angling only:

- (a) Pine Tree cove, tributary of Merigomish harbour above a straight line across the mouth at the headlands of the entrance;
- (b) all waters of Boat Harbour from one hundred yards seaward of the highway bridge across the entrance;
- (c) all waters of Big Gut, East river of Pictou, and one hundred yards seaward from the highway bridge across the entrance; and
- (d) all the waters of Haliburton creek (Town gut) West river of Pictou, from Brown's point to the point on the western side of the entrance.

County of Antigonish

62. (1) No net or trap of any kind shall be set in non-tidal waters;

(2) Excepting smelt gill-nets, no net or trap of any kind shall be set or used within the limits defined in the following waters:

Fisheries Act—continued

- (a) Dunn's cove, including Dunn's pond, so-called, inside of a straight line drawn across the entrance thereto from a point five hundred yards seaward from the highway bridge; and
- (b) head of Antigonish harbour, including the tidal estuaries of West and South rivers, inside of a straight line drawn northwest and southeast magnetic across the harbour from the northern point of Falt's Island.

County of Lunenburg

(Chester District)

63. (1) The mouths of Gold, Martin's, Middle and East rivers extend southerly in the harbour of Chester to a line commencing at Andrew's point and thence to Deep Cove;

(2) On Gold River

- (a) in the tidal water no net shall be set or placed north of Joseph Rafuse's south line;
- (b) from the aforesaid line to Swinehammer's rock no nets shall be of greater length than ten fathoms;
- (c) from the last-mentioned bound to Oak Island, no net shall be of greater length than twenty-eight fathoms and no nets shall be nearer each other than thirty rods;
- (d) no net shall be set at the Narrows, between Oak Island and the mainland;
- (e) from Oak Island to Martin's point, no net shall be of greater length than twenty-eight fathoms;
- (f) on the east side of said river no net shall be set nearer the head of the tide at low water than one-eighth of a mile;
- (g) between the last-named bound and one-eighth of a mile below Eisenhaur's point, nets for the taking of salmon shall not be more than ten fathoms in length;
- (h) from the last mentioned bound eastward to Green Point, no net shall be more than twenty-eight fathoms in length;
- (i) all the nets referred to in this subsection shall be set or placed at right angles from the shore; and
- (j) no dip-nets shall be used in any part of the river or its branches after June fifteenth.

(3) In Middle River

- (a) on the west side, in the tidal waters, no net for the taking of salmon or gaspereau shall be set between the head of the tide and twenty rods west of the Bluff;
- (b) from twenty rods west of the Bluff to Green point no net shall be more than twenty fathoms in length;
- (c) on the east side, from the head of the tide to Nathan Eisenhaur's wharf, no net of any description shall be set;
- (d) from Eisenhaur's wharf, and around the north of Mosher's island and on the east of Mosher's island, no net for the taking of salmon shall be more than eighteen fathoms in length;
- (e) all such nets shall be set at a right angle from the shore; and
- (f) no dip-nets shall be used in any part of the river or its branches after June fifteenth.

Fisheries Act—continued

(4) In East River

- (a) in the tidal waters on the west side no net shall be set for salmon nearer the river than Spruce point;
- (b) on the east side no net shall be set nearer the river than Prescott's rocks;
- (c) no gaspereau shall be taken with dip-nets or otherwise, within one-hundred yards of East river falls; or
- (d) no dip-nets shall be used in any part of the river or its branches after June fifteenth.

(5) In East Chester no salmon nets in any of the following districts shall be of greater length than thirty-five fathoms:

- (a) to begin at Lobster point and extend east to Hume's point;
- (b) to commence at and include Hume's point to Spruce point; and
- (c) to commence at Prescott's rock and extend to Behan's island.

(6) No seine shall be shot in Deep cove.

(7) From June tenth to August tenth in each year both days inclusive, no mackerel, herring or gaspereau net shall be set inside a straight line drawn from Misner's wharf to Behan island; but in any licensed trap-net berth in this area in which the licensee is not at the time operating such fishing is permitted.

(8) In Deep Cove,

- (a) all nets shall be set at right angles to the shore; and
- (b) the twine used in the bowl of any trap-net shall not exceed seventy fathoms in length, and in the leader of such net the length of twine used shall not exceed fifteen fathoms; a fishery officer may require a lesser length of twine to be used in the bowl or leader of any such trap-net.

(9) In Mahone bay and Mush-a mush river, no net, seine or other contrivance for taking fish except smelt nets under licence shall be set or placed above a line from John McLean's wharf, on the west side to Fred Burgoyne's wharf, on the east side, as far as Kedy's bridge, at any time of the year.

64. (1) A licence to operate a trap-net in any of the recognized fishing berths in the Region of Northwest and Southwest coves, including the shore from Owls Head to the Southwest island passage and the west side of Southwest island, shall be drawn for before the beginning of each season at a meeting called for the purpose by a fishery officer;

(2) The holder of a drawberth licence is permitted to operate the berth, until he has secured twenty barrels of mackerel, after which his place shall be taken by the next in turn as determined by the draw;

(3) The recognized fishing berths under this section are as follows:

Name of Spring Berth—

Moland Head,
Back Cove,
Gravel Beach,
Eastern Head,
South West Bank,
Mose Cove,
Tilley's Cove,
Long Point,
South West Island Launch.

Fisheries Act—continued

Name of Fall Berth—

Horse Island,
High Head,
Bumble Beach,
Round Rock,
South West Point,
Rum Cove.

(4) For the purpose of the draw the spring fishing berths in the Mill Cove district known as Tilley's Cove and Long Point berths, and the berth at Horse island, shall be included in the Northwest Cove district and drawn for.

(5) The fall fishing berth known as Tilley's Point, the spring fishing berth known as Middle Point and Holly Horns Rock berth, all of which are in the Mill Cove district, shall be excluded from the Northwest Cove district draw and be licensed as at present.

(6) The berths at shoal waters in Southwest Island Passage, Launch, Northeast side of Southwest island, Southeast point of Southwest island, High Cliff, Southwest island, Lower Berth, Southwest island, Blow Hole, Owls Head cove, Croucher store, Southwest cove North side of store, Southwest cove, are not subject to the draw and shall continue to be licensed as at present.

(7) An applicant for a trap-net license in the Northwest and Southwest cove districts is required to own a property in one or other of the districts, and possess the necessary fishing gear in order to draw; an applicant who already holds a licensed fishing berth is not entitled to a draw.

(8) Salmon trap-net or pound-net fishing is prohibited in that portion of the Chester district from Mader's cove to East river point inclusive.

(9) When the Regional Supervisor finds that the use of shear or hook on any salmon net is unduly harmful to the salmon fishery, he may prohibit the use of such shear or hook.

65. Smelt gill-net fishing is permitted only from the first day of October to the last day of February following, both days inclusive.

County of Lunenburg

(Western District)

66. (1) In Petite riviere,

- (a) the mouth of the said river shall be a line from Cherry point west to Coot rocks east; and,
- (b) no net or seine shall be set or placed in Petite riviere harbour nearer any wharf than two rods, and any nets set or placed within the mouth of the said river for the purpose of taking shad or gaspereau shall not be more than fifteen fathoms in length, and shall not be set nearer each other than one hundred yards.

(2) In LaHave river,

- (a) the mouth of LaHave river is at a line extending from Gaff point to Mosher's head;
- (b) from Hann's Point to the southern boundary of the Town of Bridgewater, no net more than twelve fathoms in length shall be set, and,

Fisheries Act—continued

(c) no net or nets for taking fish shall be set or used in LaHave river above the southern boundary of the town limits of Bridgewater, but gaspereau and shad dip-net fishing is permitted at Cooks Falls, Frido Falls, Wentzell Falls and Morgan Falls in the main LaHave river, at Thresher Falls on the North Branch of LaHave river, and in the West Branch of LaHave river on Monday, Tuesday and Wednesday of each week during the legal fishing season.

(3) No person shall drive or attempt to drive any gaspereau or salmon up or down in any run or stream in the county of Lunenburg at any time of the year.

(4) All nets in rivers or branches thereof shall be set at right angles to the shore.

(5) In the waters of the Medway river estuary from the mouth of the river, as defined by subsection (3) (b) of section 69, to and including Frying Pan island on the eastern side, the following restrictions and conditions shall apply to salmon net fishing:

- (a) a special salmon gill-net licence shall be obtained from the Minister which authorizes fishing from Monday at six o'clock a.m., until Friday at six o'clock p.m., during the period from the first day of April to the thirty-first day of July, both days inclusive;
- (b) only British subjects who are fisherman and resident taxpayers of the district are eligible for such licences;
- (c) a licence authorizes the licensee to operate one salmon gill-net not exceeding twenty-one fathoms in total length and of mesh of not less than six-inch extension measure when in use;
- (d) only fishermen who remain within the fishing district and operate their nets during the season are eligible for licences and no licensee shall engage another person to operate under his licence on a share or other basis; a licensee failing to comply with this requirement shall forfeit his licence for the fishing season;
- (e) nets shall be placed at distances of not less than one hundred yards apart provided that a fishery officer may direct that a greater distance than one hundred yards be left between nets;
- (f) when two or more licensees operate a berth jointly week and week about, any of the joint licensees, are permitted, when not occupying the berth proper, to set their nets in unoccupied berths when there is no interference with another net under licence; and
- (g) the fishery officer shall call meetings of salmon fishermen at Vogler's Cove during the third week of March, in each year, for the purpose of allotting berths and issuing licences.

67. Smelt gill-net fishing is permitted only from the first day of October to the last day of February following, both day inclusive.

68. (1) From September first to October thirty-first, both days inclusive, eels may be taken in any river in Lunenburg County, by means of brush weirs or eel traps but by no other method.

(2) In each box of every brush weir for taking eels there shall be an opening large enough to permit the free passage of fish out of such box, this opening shall be provided with a gate which shall be kept open each day from sunrise to sunset.

Fisheries Act—continued

(3) Each eel trap shall be provided with a door which shall be closed from sunrise to sunset each day to prevent entrance of fish.

(4) Any person who operates an eel weir or eel trap shall remove it entirely from the water within forty-eight hours after the close of the eel fishing season.

(5) The location and length of each eel weir or eel trap shall be determined by the local fishery officer.

County of Queens

69. (1) No shear nets shall be set in any of the rivers, nor any nets with stakes in the form of a pound, but all nets shall be set straight.

(2) The length of each salmon net used in the rivers of the county shall not exceed eighteen fathoms nor be less mesh than five inches.

(3) The limits of the rivers are as follows:

(a) the Liverpool or Mersey river, as far down the harbour as a line drawn from Eastern Head to Moose Harbour;

(b) the Port Medway river, as far down as a line drawn from Smith's point on the western side of Port Medway harbour to Clattenburg island on the eastern side;

(c) the Broad river, as far down as the mouth of said river; and

(d) Port Mouton from Busen's point to Broad River Head.

(4) No dogfish, offal of fish or gurry shall be thrown into the harbour of Liverpool from Coffin's island to Western Head, nor in Port Medway above a line from Western Head, to Frying Pan, nor at Port Mouton within a line from Busen's point to Broad River Head, nor within Port Joli Harbour from Port Joli Head to Black Rock, nor west to the Western Head of Port Hebert.

(5) Any person making cod fishing his business is permitted to set one bait net during the week, excepting Saturday night. and a permit for Sunday night may be given by a fishery officer when bait is needed.

(6) No net of any description shall be set at Port Joli, across the little channel caused by the brook issuing from Robertson's lake, but all nets shall be set in the main channel.

(7) On Monday, Tuesday, Wednesday and Thursday in each week, from twelve o'clock noon to sunset, the inhabitants of this county are permitted to dip gaspereau and shad in any of the rivers or streams in this county subject to the regulations, but shall not dip within one hundred yards of any fishway, fishhole, or any other contrivance made for the protection of salmon or gaspereau.

70. During that portion of the legal net fishing season for salmon from the sixteenth day of April to the fourteenth day of June, both days inclusive, it is lawful under the following restrictions and conditions to fish for and catch salmon with nets in that part of the Medway river from its mouth, up to the highway bridge at Mill Village:

(a) a special permit must first be obtained from the Minister which authorizes fishing from Monday six a.m. to Thursday at six a.m. of each week during the period from the sixteenth day of April to the fourteenth day of June, both days inclusive, and

Fisheries Act—continued

- (b) only British subjects who occupy land on either side of the portion of the river in which net fishing is permitted and who also have been fishing with nets there during at least the past three years shall be eligible for permits.

71. Fishing from the Charleston Bridge at the foot of Salter's Falls by any means is prohibited.

72. All stakes, moorings and killogs used for salmon and gaspereau fishing shall be taken up by the person who put them down at the close of the fishing season, and shall not be put down again before the first day of April the following year.

73. In the waters of the Medway river estuary from the mouth of the river, in the County of Queen's to and including Rugged harbour on the western side of Frying Pan island on the eastern side, the following restrictions and conditions shall apply to salmon gill-net fishing:—

- (a) a special salmon gill-net licence shall be obtained from the Minister which authorizes fishing from Monday at six o'clock a.m. until Friday at six o'clock p.m. during the period from the first day of April to the thirty-first day of July, both days inclusive.
- (b) only British subjects who are fishermen and resident taxpayers of the district are eligible for licences;
- (c) a licence authorizes the licensee to operate one salmon gill-net not exceeding twenty-one fathoms in total length, and of mesh of not less than six inches extension measure when in use;
- (d) only fishermen who remain within the fishing district and operate their nets during the season are eligible for licences and no licensee shall engage another person to operate under his licence on a share or other basis; any licensee failing to comply with this requirement shall forfeit his licence for the fishing season;
- (e) nets shall be placed at distances of not less than one hundred yards apart provided that a fishery officer may direct that a greater distance than one hundred yards be left between the nets;
- (f) when two or more licensees operate a berth jointly week and week about, any of the joint licensees, are permitted when not occupying the berth proper, to set their nets in unoccupied berths when there is no interference with another net under licence; and
- (g) the fishery officer shall call meetings of salmon fishermen at Port Medway and East Port Medway during the third week of March, in each year for the purpose of allotting berths and issuing licences.

74. (1) Salmon net fishing in the portion of the Mersey or Liverpool river between Upper Eel Rock at the foot of Salmon island and the Marine slip is permitted only from April sixteenth to June thirtieth, both days inclusive, and then only on Monday, Tuesday and Wednesday of each week.

(2) No net fishing is permitted above Upper Eel Rock at the foot of Salmon island.

75. Torching for herring in Liverpool harbour is permitted.

Fisheries Act—continued

76. (1) From September first to October thirty-first, both days inclusive eels may be taken in any river in Queens county, by means of brush weirs or eel traps but by no other method.

2. In each box of every brush weir for taking eels there shall be an opening large enough to enable the free passage of fish out of such box, which opening shall have a gate which shall be kept open each day from sunrise to sunset.

(3) Each eel trap shall have a door which shall be closed from sunrise to sunset each day to prevent entrance of fish.

(4) Anyone who operates an eel weir or eel trap shall remove it entirely from the water within forty-eight hours after the close of the eel fishing season.

(5) The location and length of each eel weir or eel trap shall be determined by a fishery officer.

77. Smelt gill-net fishing is permitted only from the first day of October in each year to the last day of February following, both days inclusive.

County of Shelburne

78. (1) The limits of the following rivers are,

- (a) Shelburne river, down to the south side of McNutt's island;
- (b) Jordan river, down to West Head, on the Headlands;
- (c) Green Harbour river, down to the south side of Headlands;
- (d) Sable river, down to the south side of Headlands;
- (e) Port Hebert river, down to the south side of Headlands;
- (f) Clyde river, down to the south side of Headlands; and
- (g) Barrington river, down to the south side of Headlands.

(2) In Jordan river in tidal water no nets, other than smelt bag-nets, shall be set upstream from the railway bridge.

(3) In Ogden's brook in tidal waters no nets shall be set within one hundred yards of the bridge, and below that on one side only.

(4) No gaspereau shall be taken in any manner in or about Lake Isabella known as Hayden's lake.

(5) In Green harbour in tidal water no nets shall be set within one hundred yards of the bridge, and below that on one side only.

(6) In Sable river in tidal waters no fish shall be taken within two hundred yards of the post road.

(7) In Matthew's lake, or Little Harbour lake (so called) no fishing is permitted except with hook and line.

(8) In Port Hebert in tidal waters no net shall be set within two hundred yards of the post road.

(9) In Birch Town brook in tidal waters no net shall be set within two hundred yards of the post road, and below that on one side of the brook only.

(10) In Clyde river in tidal waters no net fishing is permitted above the public wharf at Port Clyde.

(11) No person shall set more than two nets, and no one boat shall take more than two persons and each net shall have attached to it in full the name of the owner.

Fisheries Act—continued

(12) No flume eel-box, or pot, or any other contrivance shall be set with its mouth open upstream on any river or branches thereof from the first day of July until the tenth day of November, for the purpose of taking eels, if it will destroy young gaspereau.

(13) No net shall be set nearer to the outlet of any lake or brook than one hundred yards.

(14) On any portion of the Barrington river from the Barrington Woollen Mills dam to the head of Little lake, no fishing for gaspereau in any manner is permitted.

(15) Dip net fishing for gaspereau only is permitted on that portion of the Barrington river from the upper side of the highway bridge up to within thirty feet of the Barrington Woollen Mills dam.

79. The length of any salmon net used in the rivers and estuaries in Shelburne county shall not exceed twenty fathoms.

County of Yarmouth

80. Tusket river extends for the purposes of the Act from its source to the south side of McGrath's old wharf on the cape at Wedgeport, thence eastwardly to the Ferry landing at Pointe des Ben.

81. (1) Owners of land along any falls in any of the rivers of Yarmouth county are allowed one stand for dipping fish except salmon, to be selected by the owners and pointed out to a fishery officer, who shall determine what claim they are entitled to, and to hold the same as their fishing privilege; the stands shall be in front, adjoining land owned by the parties severally;

(2) Any person occupying a public privilege on the falls shall, after loading, make room and give place for others by removing, if requested to, and shall not occupy the privilege the second or subsequent time until each person requesting the privilege has had his turn.

(3) Every land owner to whom a dipping stand is allowed shall confine himself to the stand for the purpose of taking gaspereau, but is allowed to set one salmon net in tidal waters.

(4) Each net shall have attached to it the name in full of the owner.

82. No flume, eel-box or pot, or any other contrivance shall be set with its mouth upstream on any river or branch thereof, for the purpose of taking eels, if it will destroy young gaspereau, from the first day of July until the tenth day of November.

83. No net shall be nearer to the foot of any falls, rapids or brook than one hundred yards.

84. All mill-dams on the Tusket river and all its tributaries as well as Salmon river and its tributaries, shall, unless, provided with fishways to the satisfaction of a fishery officer be opened and remain open from the first day of April until the first day of November.

85. In Tusket River gaspereau fishing, by use of dip-net only in that portion of the river between the Highway bridge at Tusket and the Highway bridge at Hatfield's falls and in the Salmon river, a tributary to the Tusket, is permitted only on Monday, Tuesday, Wednesday and Thursday of each week until the thirty-first day of May inclusive.

Fisheries Act—continued

86. Smelt fishing in Eel brook and Eel lake and waters tributary thereto is confined to the use of hook and line.

87. (1) In the tidal waters of the Tusket and Salmon rivers smelt gill-net fishing is permitted from the opening of the smelt gill-net fishing season until December fifteenth.

(2) The use of weirs for taking fish is prohibited in the Tusket and Salmon rivers above Maple island.

88. No person shall place or cause an obstruction in Little River which may prevent the free passage of fish nor do any act which reduces the width of the river to less than six feet clear of all walls; and no one shall set a net nearer to the foot of Lake Dunn than the southern boundary of Gunning Island.

89. (1) Eel brook shall be kept open nine feet wide, in the deepest water, during the year.

(2) No net shall be set nearer to the foot or head of the falls of Eel brook than two hundred yards.

(3) All nets set in Eel brook and lakes thereto belonging shall be set with the current, and not across it.

(4) No net or eel pot shall be set below the lower scooping place on Herring brook and within one hundred and twenty-five yards from the mouth of the brook in Eel lake.

(5) No fish shall be taken in any way or manner above the falls, or common scooping place of Herring brook, and no net shall be set in Duck lake and brook.

(6) All mill dams on the brook to Duck lake shall be and remain open from the first day of April until the first day of November unless provided with fishways to the satisfaction of a fishery officer.

90. No net for taking smelts shall be set in Pubnico river above a straight line extending from Walter Larkin's wharf to the west point of Willet's Island; Hipson's brook shall be kept open six feet wide in the middle for gaspereau to freely ascend and descend.

91. In tidal waters no person shall use more than four nets, three for taking gaspereau and one for taking salmon; the location and length of such nets shall be regulated by the fishery officer.

92. Except as herein otherwise provided, fishing by any means is prohibited in the canal of the Tusket power development plant running from the foot of lake Vaughan to the highway bridge at the foot of Tusket falls and within fifty yards of the said bridge, also in that portion of the main Tusket river, between a point twenty-five yards below the highway bridge at Hatfield's falls and the diversion dam.

93. Dip-netting for gaspereau for domestic use only is permitted in the non-tidal portion of the East Branch of the Tusket river from the foot of Long falls to Quinan and on the West Branch of the Tusket river at Reynardton falls by the people residing along these portions of these rivers, but such fishing is permitted on Monday, Tuesday and Wednesday only of each week during the legal fishing season.

Fisheries Act—continued

94. In that portion of the main Tusket river from a point twenty-five yards below the highway bridge at Hatfield's falls down river to Little Lake, angling for salmon is permitted from Tuesday at sunrise to Friday at sunset of each week during the angling season.

95. Salmon net fishing in the tidal waters of Tusket river as defined in section 80 is permitted from 6 a.m. Tuesday until 6 p.m. Friday only, of each week during the legal fishing season.

96. When the Regional Supervisor finds that, due to low water, the salmon nets in the portion of the Tusket river that is above the highway bridge at Tusket are unduly preventing the salmon from ascending, he may prohibit all salmon net fishing therein and shall so notify in writing the licensee of each net concerned.

97. In dip-net fishing for gaspereau in Salmon river, a tributary of the Tusket river, a portion of the river not less than ten feet wide, clear of all walls and other such obstructions, shall be left open.

98. In the portion of the Tusket river, down river from a point twenty-five yards below the main highway bridge, gaspereau gill-net fishing is prohibited, from six o'clock on Friday afternoon, until one o'clock on Monday morning, during the legal season for gaspereau gill-net fishing.

99. In that portion of the coastal waters of Yarmouth County between a line drawn southwest magnetic from Pinkney's point to a line drawn southwest magnetic from St. Ann's point at Lower West Pubnico, no person shall fish for catch or kill tuna, other than by angling or harpooning.

Yarmouth County (Argyle River)

100. (1) Each family may set one net only from Higgin's island to Campbell's falls; the length of such net shall be not more than twenty-five fathoms.

(2) The stream at the Old Mill place and public privilege on the main river shall be kept open in the deepest water to the width of six feet; all stones and obstructions shall be removed at the end of the fishing season.

(3) The stream at the Guagus falls shall be kept open six feet clear of all obstructions, in the deepest water.

(4) No gill-nets shall be set or used in the stream, from Campbell's falls to Guagus falls.

(5) No nets shall be set or used within two hundred and fifty yards from the outlet of Randall lake, and within one hundred yards from the outlet of any other lake; all nets shall be set in the direction of the current, and not otherwise.

(6) The stream shall be kept open six feet clear of all obstructions to the passage of fish.

County of Digby

101. (1) No person shall build a weir in front of or unduly interfere with any other weir and in the case of weirs on privately owned flats, the general regulations as to the licence requirements and distance between weirs shall not apply.

(2) The place and number of all weirs of fisheries on public grounds, shall be fixed by a fishery officer subject to the approval of the Regional Supervisor.

Fisheries Act—continued

(3) No weir, net or other contrivance, except weirs for catching eels, and smelt nets, shall be placed or set in any river in the County of Digby visited by salmon, nor nearer the mouth of any such river or stream than one-quarter of a mile; but in that portion of Salmon river below Lake Doucet gaspereau nets may be set during the time that gaspereau are ascending the river and such nets shall be removed immediately following the close of the gaspereau run.

(4) The fishery officer may decide when the run of gaspereau is over and his decision shall be final; notice of such decision shall be given by him in writing and posted in the local Post Office; any net left in the river twenty-four hours after such notice has been posted shall be deemed to be there illegally.

(5) No weir for catching eels shall be nearer to another weir than one-fourth of a mile.

(6) No flume, eel-pot, box or other contrivance belonging to an eel-weir, shall be set with its mouth upstream in any river or branches thereof for the purpose of taking eels, if it may destroy young gaspereau from the first day of July until the tenth day of November.

(7) Owners of land along any falls in any of the rivers are permitted one stand for dipping gaspereau, to be selected by the owners and pointed out to a fishery officer, who shall determine what claims they are entitled to, and to hold the same as their fishing privilege.

(8) When the width of any falls exceeds twenty feet, any person, except the owner of a stand, may anchor a boat in such falls for the purpose of dipping gaspereau; when he does not interfere with the special privilege of owners of stands; every boat so moored shall, after loading make room and give place for others, by removing when requested to do so; no fish shall be salted in any boat nor any fish shifted from one boat to another but when the river is less than twenty feet wide, no boat or craft of any kind shall occupy any such public privilege in the river the second or any subsequent time until each man requesting the privilege has had his turn.

(9) Smelt bag-net fishing is permitted in the Sissiboo river from December first to the tenth of March following.

(10) The use of drag-seines in the harbours or within one-quarter of a mile of any pier or wharf is prohibited.

(11) No vessel exceeding forty feet in registered length shall be used in fishing with an otter or other trawl of a similar nature in St. Mary's Bay, which is deemed to be all that body of water lying inside of a straight line drawn from Cape St. Mary's, Digby County, to Gull Rock, lying off the southern extremity of Brier Island, Digby County.

102. No person shall angle in that portion of the Nictaux River between the highway bridge at Roger's Mill and the highway bridge at Nictaux Falls.

103. On privately owned flats, the general regulations as to the requirements of a licence or distance between weirs shall not apply.

104. All lobster traps shall be set so as not to interfere with herring nets, and at no less distance than sixty yards therefrom, or more, if necessary in the opinion of a fishery officer.

Fisheries Act—continued

105. (1) The use of dip-nets for catching any kind of fish is prohibited in Round Hill and Paradise rivers.

(2) No person shall fish by any means within twenty-five yards down stream from a point marked at Trout Hole falls, in Round Hill river.

(3) No net fishing is permitted in the Nictaux river nor in that portion of the Annapolis river opposite to, or within two hundred yards of either side of the mouth of the Nictaux river.

(4) Except as herein otherwise provided, salmon and shad net fishing is permitted in the Annapolis river on Monday and Tuesday only of each week during the fishing season.

(5) The use of nets for salmon fishing shall be confined to tidal waters.

(6) The use of dip-nets for catching shad at places in the non-tidal waters of the Annapolis river, and in the portion of the Nictaux river below Red Bank, specified by the Regional Supervisor, is permitted from sunrise to ten o'clock p.m. on Monday and Tuesday of each week from May first to May thirty-first both days inclusive.

County of Kings

106. (1) Fishing for gaspereau except with square nets and dip-nets is prohibited in any part of the Gaspereau river above the highway bridge on No. 1 Highway.

(2) No square-net of a greater size than twelve feet square shall be used, and no square-net nor any of the fixtures connected thereto shall extend more than one-third of the distance across any river from the bank in a line at right angles to the current, nor for a distance up or down stream of more than thirty feet in a line parallel with the current.

(3) No square-net shall be set, placed, used or maintained in any part of the Gaspereau River within one hundred feet of any rock wall, brush wall, or other obstruction, unless such obstruction is first removed for a distance of one hundred feet both up and down stream from the location of the square-net, to permit unobstructed flow of water for the free passage of fish at all times while the square-net or any of the fixtures connected thereto remains in the water.

(4) Square-nets shall not be fished from sunset of each day until sunrise of the following day, nor from sunset on Friday until sunrise on Monday and during these closed times all square-nets shall be removed from the water and a suitable opening not less than two feet wide shall be provided in all square-net fixtures to allow the free movement of fish up or down stream during these closed times and on or before June fifteenth all square-nets and their fixtures shall be removed from the water.

(5) The use of dip-nets for the capture of gaspereau is permitted from sunrise Monday morning until sunset Friday night until June fifteenth inclusive; but no dip-net having a bow or hoop of more than two feet in diameter may be used; no dip-net fishing is permitted within one hundred yards from any square-net or within one hundred and twenty-five yards below any dam erected across or partially across any river or stream.

(6) Net fishing of any kind in any tributary of the Gaspereau river is prohibited and in the main river no nets except dip-nets shall be set or placed within two hundred yards from the location of any other net,

Fisheries Act—continued

nor within a like distance from any dam erected across or partially across the river, nor within one hundred yards of the mouth of any tributary of the river.

(7) The use of any artificial light as a lure for taking any fish is prohibited.

(8) Net fishing of any kind within seven hundred yards downstream from the White Rock Power Plant in the Gaspereau River is prohibited.

107. (1) On the Gaspereau river, salmon may be taken only by angling.

(2) All salmon caught in square-nets, or in dip-nets shall be liberated.

(3) No fishing of any kind is permitted in the Canal system of the Power Company at White Rock, nor in the tailrace of the White Rock Power Plant.

108. No seine or net shall be set, placed, drawn or used in any river or tributary of any river, except as provided in these regulations, but stake-nets may be set in the Cornwallis river below the highway bridge at Port Williams; such stake-nets shall in no case be less than four hundred and forty yards distant from each other and the mesh shall not be less than five inches, and each net shall be legibly marked with the owner's name.

109. The use of dip-nets for catching shad at places in the non-tidal waters of the Annapolis river specified in writing by the Regional Supervisor is permitted from sunrise to ten o'clock p.m. on Monday and Tuesday of each week from May first to May thirty-first, both days inclusive.

SCHEDULE

The following are as have been declared by the Minister of National Health and Welfare to be contaminated areas, and no person shall fish for or take shellfish therefrom for use as a raw food except as provided therein.

(1) The waters of Pictou Harbour, Pictou County, from a straight line drawn across the entrance of the Harbour from Cole Point to MacKenzie Head to a straight line drawn across the mouths of Middle and West Rivers from Skinner Point to Brown Point, including all the waters of East River at Pictou;

(2) The waters of John Bay and River John, Pictou County, inside a straight line drawn due east magnetic from Long Point;

(3) The waters of Wallace Harbour, Cumberland County, that are between Livingstone Bridge and a straight line drawn across the Harbour due north from MacFarlane Point, and marked by a fishery officer;

(4) The waters of Pugwash Harbour, Pugwash River and River Philip, Cumberland County, inside a straight line drawn across the entrance of the Harbour from Lewis Head to Fishing Point;

(5) The waters of Yarmouth Inner Harbour, Yarmouth County, north of a straight line drawn from Bug Light on the east side to Johnston's Point on the west;

(6) The waters of Annapolis Basin, Digby County, from a point on the western shoreline due east of the Pines Hotel to Robinson's Point situated one and one-half miles northeast of Little Joggin railway bridge, including the Racquette, the town of Digby, water-front and the Little Joggin.

Fisheries Act—continued

(7) That portion of the south shore of Annapolis Basin, Annapolis County, lying between Deep Brook and Roop Brook Clementsport, including the vicinity of Deep Brook Naval Base and the mouth and estuary of Moose River.

(8) That portion of the Sissaboo river upstream from a straight line drawn east and west one-half mile downstream from the highway bridge at Weymouth;

(9) The waters of that portion of the Chebogue River, Yarmouth County, north of a straight line drawn due east true from Hemeon's Point, so called, on the western side of the River to the southern point of Hall's island so-called, on the eastern side of the River.

(10) The waters of Tatamagouche Bay, Colchester County, south of a straight line drawn from Blockhouse Brook to Sand Point.

(11) That portion of Middle River, Pictou County, that is south of a straight line drawn across the River, and marked by a fishery officer, from Begg Point to Sylvester.

(12) That portion of St. Mary's River, Guysborough County that is upstream from a straight line drawn across the River, and marked by a fishery officer, approximately five miles downstream from the highway bridge at the Village of Sherbrooke;

(13) That portion of Walton Harbour, Hants County, east of a straight line drawn due north magnetic from a point marked by a fishery officer five hundred and fifty yards west of Clark's Point and south of a straight line drawn due west magnetic from the centre of the lighthouse at the entrance of the Harbour.

(14) The waters of Hubbard's Cove, in the counties of Halifax and Lunenburg, inside a straight line drawn from Green Point, Lunenburg County, to Red Bank, Halifax County.

(15) The waters of Chester Harbour, Lunenburg County, inside straight lines drawn from Fitch Point to Peninsula Point and from Peninsula Point to Zinck's Head.

(16) The waters of Chester Basin, Lunenburg County inside a straight line drawn from Borgal's Point to Hawker's Point.

(17) The waters of Mahone Harbour, Lunenburg County inside a straight line drawn from Andrew's Point over Westhaver's Island to the western shore of Mahone Bay;

(18) The waters of Lunenburg Harbour, including Puffeycup Cove, Lunenburg County, inside a straight line from Mason's Point to Battery Point; and the waters of Lunenburg Upper or Back Harbour, Lunenburg County, inside a straight line drawn from Deadman's Point to the southern end of First Peninsula.

(19) The waters of Rose Bay, Lunenburg County, inside a straight line drawn from Rose Head to Oven's Head.

(20) The waters of LaHave Harbour and LaHave River, Lunenburg County, inside a straight line drawn from Gaff Point over Spectacle Islands to West Dublin.

(21) The waters of Conrad's (Vogler) Cove, Lunenburg County, inside a straight line drawn across the outer headlands forming the cove.

Fisheries Act—continued

(22) The waters of that portion of Ticken Cove, Digby County, east of a straight line drawn due north true from a point four hundred feet west of the west side of the Church Point Wharf and a straight line drawn due north true from the shore at the point where the properties of Edward J. Thibodeau and James Comeau meet.

(23) The waters of Louisdale Harbour, Richmond County, north of a straight line drawn from Shannon Brook, so-called on the western shore of the harbour to the Louisdale Church on the eastern shore of the harbour.

(24) The waters of Arichat Harbour, Richmond County, inside a straight line drawn in a westerly direction from Kavanagh Point on the southern shore of the harbour to a point on the northern shore of the harbour one mile west of the cemetery.

(25) The waters of Bourgeois Inlet, Richmond County, west of a line drawn from Ben's Point, so-called, on the southern shore of the inlet to Simon Peter's Point, so-called, on the northern shore of the inlet.

(26) The waters of West Arichat Harbour, Richmond County, inside a straight line drawn in a northeasterly direction from the Arichat Head lighthouse to Bosdet Point.

(27) The waters of Lennox Passage, Richmond County, south of Bernard Island and between straight lines drawn due south from the easterly and westerly ends of Bernard Island to the shore of Isle Madame.

(28) The waters of North Basin, Inverness County, shoreward of a straight line drawn across the basin from MacNeil's Point, so-called on the western shore and MacIvor's Point, so-called, on the eastern shore.

(29) The waters of Whycocomagh Bay, Inverness County, north of a straight line drawn across the south end of the Bay from Triangulation Station 71 on the west side of Indian Island to Triangulation Station 70 on the main shore and a straight line drawn from the eastern end of Indian Island to Salt Mountain on the main shore.

(30) The waters of Parrsboro Harbour and the approaches thereto, Cumberland County, inside a straight line drawn due west magnetic from McLaughlin's Head to Crane's Point.

(31) The waters of Cobequid Bay inside a straight line drawn in a northwesterly direction from Salter Head, Hants County, to Spencer Point, Colchester County.

(32) The waters of Cumberland Basin inside a straight line drawn in a northerly direction from Minudie Point, Cumberland County, Nova Scotia, to Wood Point, Westmorland County, New Brunswick.

(33) The waters of the south shore of Annapolis Basin, Annapolis County lying between Jagger Point and Hardy Point, except from the first day of October to the 30th day of April next following, both days inclusive.

(34) The waters of Indian Bay, otherwise known as Nyanza Bay, Victoria County, north of a straight line drawn from Oyster Survey Monument No. 105 on the west shore northeasterly to Oyster Monument No. 116 in accordance with the Plan showing Oyster Leases in St. Patrick's Channel and Nyanza Bay.

(35) The waters of St. Patrick's Channel, Victoria County between a straight line drawn from Charlie Bell's wharf, two miles northeast of the

Fisheries Act—*continued*

Baddeck Government wharf on the mainland to the lighthouse on the northeastern end of Kidston Island and a straight line drawn from a point where Laughlin MacDonald's western property line meets the shore, two miles southwest of Baddeck, to the southwestern end of Kidston Island, the closure to include the northwestern shore of Kidston Island.

(36) The waters of Estmere Bay north of a straight line drawn from Cassel's Point on the western shore of Estmere Bay to the Government wharf at Estmere on the eastern shore.

(37) The waters of that part of Great Bras d'Or lake and Barra Strait south of a line drawn from the shore at the end of MacCrutchie's Road, Victoria County, to the northeast point of Christmas Island, Cape Breton County, and following the north sand bar to the mainland shore southerly to a straight line drawn from Derby Point, Cape Breton County, to Hector Point, Victoria County.

(38) The waters of the eastern arm of Jeddore Harbour, Halifax County, north of a straight line drawn due west true from the mouth of Abraham Brook on the eastern shore to Myers Point on the western shore.

(39) The waters of the main part of Jeddore Harbour, Halifax County, between a straight line drawn from a point one-quarter mile north of Pea Point on the eastern shore due west true to the western shore and a straight line drawn from the first lighthouse on the western shore south of Marsh Point due east true to the eastern shore.

(40) The waters within four hundred feet of any wharf.

(41) The waters of Medway River, Queens County, upstream from the Canadian National Railways Bridge at Medway.

(42) The waters of Liverpool Bay and the Mersey River, Queens County, inside a straight line drawn from Eastern Head to Moose Point.

(43) The waters of Broad River, Queen's County, upstream from a line drawn in a northeasterly direction from Broad Head to the school at Summerville Center, including the Summerville Beach area, except from the first day of October to the thirty-first day of May next following, both days inclusive.

(44) The waters of Barrington Bay, Shelburne County, north of a straight line drawn in an easterly direction from David Point on the west shore to the school on the east shore at the junction of the Nova Scotia Trunk Highway No. 3 and the secondary highway which leads to Village-dale.

(45) The waters of Shelburne Harbour, Shelburne County, north of a straight line drawn in an easterly and a westerly direction from the Sand Point Lighthouse.

(46) The waters of Lockeport Harbour, Shelburne County, north of a straight line drawn in a northeasterly direction from Western Head on the west to Black Point on the east.

(47) The waters of Sable River, Shelburne County, north of a straight line drawn across this river at a point one mile downstream from the railway bridge.

(48) The waters of Clarke's Harbour, Shelburne County, northeast of a straight line drawn from Split Point on the west to Swim Point on the east.

Fisheries Act—continued

(49) The waters of the section of Gabarus Bay, Cape Breton County, south of a straight line drawn in a westerly direction from Rouse's Point to the light house.

(50) The waters of Louisburg Harbour, Cape Breton County, north-west of a straight line joining Blackrock Point and Lighthouse Point.

(51) All that portion of the waters of Glace Bay, Cape Breton County, from the western headland of MacDonald Cove to 1B Colliery located west of the convent at New Aberdeen.

(52) The waters of Indian Bay, Cape Breton County, south-west of a straight line joining Little Head Lighthouse and Brian Point (Bug Point).

(53) The waters of Bridgeport Basin, Cape Breton County, east of a straight line drawn from the post office at Gardiner Mines to the north-west end of Lingan Beach.

(54) The waters of Sydney Harbour, Cape Breton County, including the West Arm and South Arm, south of a straight line joining Cranbury Point and Low Point at the harbour's mouth.

(55) The waters of Tor Bay, Guysboro County, west of a straight line joining Larry Point and the post office in the village of Torbay with the exception of that portion of Tor Bay known as Gammon Basin, which shall be considered an approved area.

(56) The waters of Chezzetcook Inlet south of a straight line joining markers placed at West Chezzetcook and Indian Island by the local fishery officer.

(57) That portion of the waters of Merigomish Harbour inside a line drawn due north magnetic across the Harbour from Graves Head to Betty Point on Olding Island thence thirty degrees south of due east magnetic to Murdock Point;

(58) The waters of Cumberland Basin inside a straight line drawn in a northerly direction from Minudie Point, Cumberland County, Nova Scotia, to Wood Point, Westmorland County, New Brunswick.

(59) The waters of the south shore of Annapolis Basin, Digby County, lying between Jagger Point and Hardy Point, except from the first day of October to the 30th day of April next following, both days inclusive.

(60) All the waters at the mouth of Musquodoboit Harbour in the County of Halifax, known as Eastern Bird Ledge, to extend to Crow Island and south to Martinique Channel.

(61) All the waters south of a line drawn due east magnetic from the northern point of Crab Beach at Chezzetcook Inlet in the County of Halifax.

(62) All the waters of John Island at Sable River in the County of Shelburne.

(63) All the waters of the area known as Crows Neck at Port La Tour in the County of Shelburne.

(64) That portion of the waters of Port Hebert Harbour in the County of Shelburne, more particularly described as follows: beginning at a point on the west side of Port Hebert Harbour, known as the "Dyke", and thence

Fisheries Act—continued

along a straight line due east magnetic, to the west side of the main channel; thence north along the west side of the main channel to the "Darry" Channel; thence following "Darry" Channel to the shoreline at high water mark; thence following high water mark to the place of beginning; the described boundaries to include all portions of the "Johns Island", "Bill and Tom's", "Gunwale" and "Darry" clam flats.

(2) New Brunswick Fishery Regulations

P.C. 1954-1908

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of New Brunswick, established by Order in Council P.C. 5692 of 8th November, 1949, as amended, are hereby revoked; and

2. The annexed "New Brunswick Fishery Regulations" are hereby made and established in substitution for the regulations hereby revoked.

NEW BRUNSWICK FISHERY REGULATIONS

1. These regulations may be cited as the *New Brunswick Fishery Regulations*.

2. In these regulations,

- (a) "angling" means the taking of fish with hook and line and rod, the latter held in the hand, but does not include set lines or lines tied to a boat, or jigging;
- (b) "bag-net", means an apparatus that catches fish without enmeshing them, and consists of a bag, attached to stakes, that floats with the tide or current;
- (c) "box-net" means an apparatus that catches fish without enmeshing them, and that consists of a net made and set in the form of a box, with a trap into which the fish are guided by a leader;
- (d) "Chief Supervisor" means the Chief Supervisor of Fisheries of the Department of Fisheries for the Maritimes area comprised of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island;
- (e) "closed season" means a specified period in which fish may not legally be taken;
- (f) "drag seine" is a net weighted at the bottom and floated at the top, cast from a boat so as to enclose a space of water between it and the shore, then drawn towards shore;

Fisheries Act—continued

- (g) "fishery guardian" means a guardian employed by authority of the Minister;
- (h) "fishery officer" means such officer having authority from the Department of Fisheries;
- (i) "fly fishing" means angling with an artificial fly or flies which may be single or double hooked, attached to the line or to a leader that is attached to the line;
- (j) "gill-net" or "drift-net" means a net that catches fish by enmeshing them, but which does not enclose an area of water;
- (k) "grilse" means a young salmon;
- (l) "jigging" means fishing for, catching or killing a fish, with a hook or hooks manipulated in such a manner as to pierce and hook a fish in any part of the body other than the mouth;
- (m) "Minister" means the Minister of Fisheries;
- (n) "non-resident" means any person domiciled in the Province for a period of less than six months;
- (o) "one day" means from two hours before sunrise to two hours after sunset;
- (p) "picking" as applied to oysters, means the taking of oysters by hand without tools or implements;
- (q) "purse-seine" means a net weighted at the bottom and mounted with rings through which a line is run; also it is floated at the top and cast from a boat so as to enclose an area of water; it is then closed at the bottom by the aforesaid line through the rings, to form a purse or bag;
- (r) "Regional Supervisor" means the Regional Supervisor of Fisheries for the region;
- (s) "shellfish" include oysters, clams, mussels, scallops and all other bi-valve molluscs;
- (t) "sport fish" includes salmon, trout and bass;
- (u) "trap-net", "anchored-net" or "stake-net" means an apparatus that is so set as to enclose an area of water, into which area fish are guided by a leader and find entrance through an opening or openings;
- (v) "trout" includes char, speckled trout, brown trout, Loch Leven trout, salmon trout, grey trout and ouananiche or landlocked salmon; and
- (w) "weir" differs from a "trap-net" in that it is constructed of brush and twine or wire netting.

Bass

3. (1) No person shall fish for or kill any striped bass except by angling, from the first day of April to the thirtieth day of November both dates inclusive; nor, except by angling, at any time in the waters of the Miramichi, Kouchibouguac, Tabusintac, Tracadie, or Richibucto Rivers or any of the tributaries of these rivers.

(2) No person shall buy, sell or have in his possession any striped bass, unless, the proof whereof shall be on him the same has been legally caught or killed.

Fisheries Act—continued

(3) No person shall fish for, catch or kill bass by means of seines; the meshes of the bass gill-net shall be not less than five inches, extension measure, when in use.

(4) No person shall retain any striped bass measuring less than twelve inches in length nor any black bass measuring less than nine inches in length, measured from the top of the nose to the end of the tail, whether caught by angling or otherwise; any bass under either of the aforesaid lengths shall be returned immediately to the water.

(5) No person shall fish for bass with a net or nets without a licence from the Minister; the fee for such licence is one dollar.

(6) All bass nets when set shall have attached thereto a wooden or metal tag with the initials of the licensee and the number of his licence plainly marked thereon, which tag shall be readily visible at all stages of the tide.

(7) In the Saint John river and its tributaries not more than one person in any one family is eligible for a licence.

(8) Every person opening holes through the ice for the purpose of taking bass shall mark the holes with four evergreen bushes, each six feet in height.

(9) From the time of low water nearest six o'clock on Saturday afternoon of each week, to the time of low water nearest six o'clock on Monday morning following, all bass nets shall be raised or adapted to permit the free passage of fish through, by or out of the same.

(10) No person shall fish for, catch or kill any small-mouthed or large-mouthed black bass from the first day of October to the thirty-first day of March following, both days inclusive; and in Wheaton Lake, Charlotte County, no person shall fish for, catch or kill such fish from the first day of October to the thirtieth of June following, both days inclusive; in Wheaton Lake no person shall in one day catch or retain more than six such bass.

Certificates

4. All packages of fish taken legally during the fishing season for such fish, and offered for shipment during the close season for catching such fish, shall be accompanied by a certificate from a fishery officer, or by a statutory declaration of the shipper certifying that such fish were taken legally, or such certificate or declaration may be attached to shipper's waybill; the certificate or declaration shall state the number of packages in the shipment, together with the name or names of the kind or kinds of fish in such shipment.

Clams (see also Shellfish)

5. (1) For the purposes of this section clams include; Softshell, Long-neck or Squirr Clams (*Mya arenaria*); Bar clams, (*Macra solidissima*), and Quahaugs (*Venus mercenaria*).

(2) No person shall fish for, take, have in possession or sell any bar clam less than two and one-quarter inches in length of shell measured in a straight line, nor any other clam less than two inches so measured.

(3) No person shall retain any clam of a length less than that specified in subsection (2) beyond the period required to measure it when

Fisheries Act—continued

he shall return it to the area from which it was taken; but soft-shell clams of a length less than that specified may be taken, had in possession or sold when taken from an over-populated area so designated by the Minister.

(4) In fishing for or taking soft-shell clams from any public bed hand tools only may be used.

(5) The export of soft-shelled clams from the Province to any place in or out of Canada, except in the shucked or canned state, is prohibited.

(6) Fishing for quahaugs in bays, harbours and other waters where oysters are taken, is permitted only in the areas set apart therefor and marked by the local fishery officers.

(7) Fishing for quahaugs on Sunday is prohibited.

Eel fishing

6. During the months of September, October and November no person shall fish for eels with a spear or torch or other artificial light in any waters frequented by salmon or trout; this method of fishing for eels is prohibited at all times in non-tidal waters frequented by salmon or trout.

Explosives on Fishing Boats Illegal

7. The presence of dynamite or other explosive on board any fishing boat without the written permission of the local fishery officer, is deemed to be evidence of the killing of fish with explosive materials.

Gaspereau

8. (1) No person shall fish for, catch or kill gaspereau with gill-nets, weirs, pound nets, trap-nets or dip-nets,

(a) in tidal waters from the twenty-sixth day of June to the last day of February both days inclusive,

(b) in the waters of the rivers in Gloucester, Northumberland and Kent counties and the rivers in Westmorland County which are tributary to Northumberland Strait from the first day of July to the nineteenth day of May, both days inclusive.

(c) in the Kennebecasis river, a tributary of the Saint John river, from the twenty-sixth day of June to the thirty-first day of December, both days inclusive, or

(d) in Saint John Harbour from the first day of October to the last day of February, both days inclusive and from the twenty-sixth day of June to the fourteenth day of August, both days inclusive.

(2) In the non-tidal waters of the Saint John and Miramichi river systems, fishing for gaspereau is permitted under the following conditions:

(a) A special permit shall be obtained from the Minister,

(b) Nets shall not exceed ten fathoms in length, and the type of net and the method of operating it shall be subject to the approval of the Chief Supervisor,

(c) Each net shall have attached thereto a wooden or metal tag on which the number of the permit and the name of the permittee shall be plainly marked, and

(d) The Regional Supervisor may permit such fishing at any time before the opening date of the season when in his opinion such fishing is not unduly harmful to any other fishery.

Fisheries Act—continued

(3) No person shall fish for, catch or kill gaspereau from the time of low water nearest six o'clock of Saturday afternoon of each week until the time of low water nearest six o'clock in the morning of the Monday following.

(4) The mesh of nets used for catching gaspereau shall be not less than two inches nor more than three and one-half inches extension measure, when in use.

(5) When in the opinion of the Regional Supervisor, gaspereau fishing in any area is unduly harmful to any other fishery, he may prohibit gaspereau fishing in such area.

Herring

9. (1) No person shall set or use a net or nets for the capture of herring within one thousand feet of any weir that is being operated.

(2) Except from the first day of December to the tenth day of June following, both days inclusive, fishing for herring in the manner known as "driving" with torches, flambeaux or other artificial lights, is prohibited and the Chief Supervisor may stop driving at any time prior to June tenth should weirs be placed in operation and they catch sufficient herring to supply the demand; no driving is permitted within one thousand feet of a weir in operation.

(3) No weir shall be built, set or used for the purpose of catching herring except under the authority of an annual licence from the Minister, and before a licence is granted the applicant therefor shall make a statutory declaration, setting forth the name or names of the actual owner or owners of such weir, or of the person or persons for whose benefits such weir is to be operated, and the nationality of such owner or owners, or person or persons.

Mussels (see Shellfish)

10. No person shall fish for or take mussels in any of the waters of the Province bordering on the Bay of Fundy, including the waters of the islands adjacent thereto and Grand Manan.

Non-Tidal Waters

11. (1) The use of nets in non-tidal waters, except under a permit from the Minister, is prohibited.

(2) Except as hereinafter provided, net fishing for salmon or shad in non-tidal waters is prohibited.

(3) Except as provided in subsection (4), in the portion of the Saint John River that extends from the Head of the Tide to Grand Falls, and in the non-tidal waters of the southwest Miramichi River, shad fishing with dip-nets only is permitted under permit from the Regional Supervisor from sunrise to ten o'clock p.m. on Monday, Tuesday, Wednesday and Thursday, of each week from the first to the twenty-fifth day of June, both days inclusive, but such fishing is restricted to places in these rivers specified by the Regional Supervisor.

(4) In the portion of the Saint John River known as Lower Basin, Grand Falls, it is permitted, between June first and June thirtieth, both days inclusive, to fish for or catch shad, with drift-nets on Monday, Tuesday, Wednesday and Thursday of each week; such fishing is restricted to areas specified by the Regional Supervisor.

Fisheries Act—continued

(5) From six o'clock in the afternoon of Friday in each week to six o'clock in the forenoon of each Monday following, no person shall fish for, catch or kill shad.

(6) The mesh of shad nets shall be not less than five inches, extension measure, when in use.

(7) No shad gill-net shall exceed thirty fathoms in length, nor shall any such net extend more than one-third of the distance across the river, at the place where it is set; the number of nets in such waters is limited to one to each family.

(8) The use of set lines or trawls in all non-tidal waters is prohibited.

Oysters (see Shellfish)

12. (1) No person shall fish for, catch or kill oysters, in public beds except under licence from the Minister; the fee for such a licence is fifty cents.

(2) Except as herein otherwise provided, no person shall fish for, catch or kill oysters in the public beds from the first day of December to the twenty-fourth day of September following, both days inclusive.

(3) Except as herein otherwise provided, from the first day of June to the thirty-first day of August, both days inclusive, in each year, no person shall, except for the purpose of replanting, fish for, catch or kill oysters on leased areas.

(4) Fishing for oysters is prohibited on Sunday, and from sunset to sunrise on any other day of the week.

(5) The Minister may, where he deems it necessary, prescribe the minimum distance from a live oyster bed to where mud digging may be permitted, and no person shall dig for mud within such prescribed distance.

(6) The use, for taking oysters on public beds, of quahaugs rakes, drags or tongs operated by purchase power or tongs or rakes, other than the tongs and rakes now used in oyster fishing is prohibited; but in Northumberland County rakes only may be used on public beds.

(7) Under a special permit, issued by authority of the Minister, unculled oysters may be picked from the first day of June to the twenty-fourth day of September, both days inclusive, from all area or areas specified in such permit for the purpose of stocking leased oyster areas; the Regional Supervisor may close any area or areas to the picking of oysters under this subsection if he deems such picking is detrimental to the oyster fishery.

(8) That portion of the Narrows at the back of Indian island, Richibucto Bay, extending from a line drawn across the Narrows at right angles from the cattle fence line drawn on the mainland shore near Gaspereau Creek northwardly to a straight line drawn across the said Narrows at right angles from the Roman Catholic Church on the mainland shore, covering a linear distance of approximately four hundred yards, is set apart for the natural and artificial propagation of oysters.

(9) Except as herein otherwise provided, no person shall fish for, retain or kill any oyster of a less size than three and one-half inches measured in a straight line across the widest part of the shell.

Fisheries Act—continued

(10) Oysters of any size may be taken and removed from any leased area for relaying, and such oysters may be taken to and relaid on any other area when such transfer is not otherwise prohibited by these regulations.

(11) Single undersized oysters that are taken from public beds in fishing operations shall be returned immediately to the water; undersized oysters that are in clusters or attached to oyster of legal size may be brought to shore for separating and culling and shall then be returned immediately to the public areas from which they were taken.

(12) Except with the authority of the Minister no person shall

- (a) place in the waters of the Province any oysters or oyster shell taken outside the said waters,
- (b) place in the waters outside the waters of Kent and Westmorland Counties any oysters or oyster shell taken from the waters of Kent or Westmorland Counties,
- (c) place in the waters of Kent or Westmorland Counties any oysters or oyster shell taken from any other waters, or
- (d) use in any other water tongs, drags or other oyster fishing gear which have been used in the waters of Kent or Westmorland Counties.

Pickerel

13. Pickerel fishing through the ice by means of hook and line may be permitted under permit issued by authority of the Minister, in waters designated by the Regional Supervisor.

Pollock

14. (1) No person shall fish for, catch or kill pollock by means of spears or grapnel or gaff hooks; but the use of a gaff in hook and line fishing is permitted.

(2) No person shall fish for or catch pollock with gill-nets having meshes less than five inches extension measure, when in use.

(3) From the time of low water nearest six o'clock in the afternoon of every Saturday, to the time of low water nearest six o'clock in the forenoon of every Monday, all pollock nets shall be raised or adapted to permit the free passage of fish through, by or out of the same.

(4) No person shall fish for pollock by means of a purse-seine, but the Minister may issue or authorize to be issued to any person a licence to fish for pollock by means of a purse-seine that has a minimum mesh of two inches extension measure, when in use.

(5) A purse-seine licence expires at the end of the calendar year in which it is issued; the fee for such licence is one dollar.

(6) A licensee shall not fish within one mile of a weir, or trap-net, or stationary fishing apparatus that is operated under a licence.

Prohibitions

15. The introduction of non-indigenous or non-native fish into the waters of the Province, except by special permission of the Minister, is prohibited.

16. (1) Fishing by angling for any fish is prohibited in non-tidal waters frequented by sport fish when sport fishing therein is illegal.

Fisheries Act—continued

(2) Angling for sport fish is prohibited from two hours after sunset to two hours before sunrise.

(3) Angling from all bridges crossing the Northwest and Southwest Miramichi rivers in the Counties of York and Northumberland, from the Morrissey bridge at Newcastle inclusive, westward to the York-Carleton line, is prohibited.

(4) In the County of York no person shall fish by angling in the waters of Cleuristic River (Dunbar Brook) from its confluence with the Nashwaak up to and including its tributaries and headwaters.

(5) In the Counties of Albert and Westmorland, fishing is prohibited in the waters of Pollett River and its tributaries from October first to May thirty-first following, both days inclusive.

17. The jigging of any sport fish is prohibited.

18. In spearing for whitefish or gizzard fish in waters frequented by sport fish, the use of artificial light is prohibited.

19. The use of jigs or snares for taking coarse fish of any kind in waters frequented by sport fish is prohibited.

Mackerel and Herring

20. (1) Except as herein otherwise provided, the use of purse-seines is permitted for the capture of mackerel and herring; but no such purse-seine fishing operations are permitted within one mile of any weir, trap-net or other stationary fishing appliance operated under licence.

(2) No person shall set or operate a purse-seine for mackerel and herring except under licence from the Minister.

(3) No licence shall be issued to an applicant unless the applicant makes a statutory declaration as to the name and nationality of the actual owner or owners of the purse-seine and of the person or persons for whose benefit the purse-seine is to be operated.

(4) The fee for such licence is one dollar.

(5) No purse-seine used for the capture of herring shall be of greater length than one hundred fathoms, or of greater depth than one hundred feet at the ends, stretched measure in both cases, and shall not contain in the bunt or middle of the seine more than two thousand one hundred and sixty (2,160) meshes, measuring seven-eighths of an inch, or one thousand nine hundred and twenty (1,920) meshes, measuring one inch, or one thousand six hundred and eighty (1,680) meshes, measuring one and one-eighth inches.

(6) No herring purse-seine boat shall leave the shore or anchorage for the fishing grounds with a purse-seine of a greater dimension than is authorized by this section.

Salmon

21. (1) No person shall fish for, catch or kill salmon otherwise than with gill-nets, drift-nets, trap-nets, pound-nets, weirs, or by angling.

(2) The mesh of salmon gill-nets or drift-nets and trap-nets shall be not less than five inches, extension measure, when in use.

Fisheries Act—*continued*

(3) The mesh of dip-net used in removing salmon from a trap-net, pound-net or weir shall be not less than five inches, extension measure, when in use.

(4) No person shall engage in salmon net fishing, nor shall any one leave any port or place in Canada to fish for, catch or kill salmon with a gill-net, drift-net, trap-net or pound-net, either inside or outside territorial waters adjacent to the Province, except under licence from the Minister.

(5) The fee for such licence is one dollar.

22. (1) In the Miramichi bay district and on the east coast of the Province the following restrictions and conditions apply to salmon drift-net fishing:

- (a) a salmon drift-net shall not exceed six hundred and seventy-five fathoms in length, and the depth or vertical breadth thereof shall not exceed thirty meshes; but a mackerel gill-net, not exceeding fifty fathoms in length, the meshes of which shall not exceed two and three-quarters inches, extension measure when in use, may be attached to a salmon drift-net for the purpose of catching mackerel.
- (b) no salmon drift-boat shall leave the shore or anchorage with a greater length of drift-net than is authorized by the licence of the owner of the boat,
- (c) a salmon drift-net licence may be granted only to a *bona fide* owner of a salmon drift-boat who has actively engaged in salmon drift-net fishing each fishing season during the five years immediately preceding his application for a licence; but in the case of an applicant for a licence who has actively engaged in the salmon drift-net fishing during at least one season immediately previous to his enlistment for service in the Canadian Armed Forces, each year of such service shall be accepted as the equivalent of a year in salmon drift-net fishing, and
- (d) before a salmon drift-net licence is granted, the applicant shall make a statutory declaration; setting forth that he is a *bona fide* owner of a salmon drift-boat and has actively engaged in the salmon drift-net fishery each fishing season during the previous five years, the registered number of the boat, the name of the owner or owners of the net, and the length of the net to be operated and the number of the fishing licence issued the previous year; such declaration shall be filed with the local fishery officer.

(2) Except as provided for in paragraph (d) of subsection (1), before any salmon net licence is granted the owner or person interested in such net shall make a statutory declaration, setting forth the name of the owner, the length of the net and its intended location, and such declaration shall be filed with the local fishery officer.

23. All salmon nets shall have the name of the owner or owners, and the number of the licence legibly marked, on tags of wood or metal; one tag shall be attached to each end of each net, and such tag shall be preserved on such nets during the fishing season, so as to be visible without taking up the net or nets; any net used without such tag may be forfeited.

24. Except as herein otherwise provided, no person shall fish for, catch or kill salmon with nets of any kind in the waters off the Counties

Fisheries Act—continued

of Restigouche, Gloucester, Northumberland, Kent and Westmorland from the sixteenth day of August to the fourth day of June following, both days inclusive.

25. No person shall fish for, catch or kill salmon with nets of any kind in the Miramichi River and Bay from the first day of September to the fourth day of June following, both days inclusive.

26. No person shall fish for, catch or kill salmon with nets of any kind in the Bay of Fundy and its tributary waters, including the Saint John River, Saint John Harbour and Chignecto Bay, from the sixteenth day of August to the fourteenth day of May following, both days inclusive.

27. (1) The weekly closed time for salmon net fishing, unless otherwise provided in these regulations, shall be from 8 a.m. Standard Time on each Saturday to 8 a.m. Standard Time on each Monday, except in Saint John harbour, which for the purpose of this section, extends from the Reversing Falls to a straight line from the Wireless Station, at Red Head, to the outside of Partridge Island, and hence to Negro Point breakwater, where the weekly closed time for such fishing shall be from 8 p.m. Standard Time on each Saturday to 8 a.m. Standard Time on each Monday; and in the Counties of Gloucester, Northumberland and Kent, the weekly closed time for salmon trap-nets shall be from the time of low water nearest 8 a.m. Standard Time on each Saturday, to the time of low water nearest 8 a.m. Standard Time on the following Monday.

(2) During the weekly closed time all salmon drift-nets shall be entirely removed from the water.

(3) In the case of a salmon stake-net, at least ten feet of the portion of the leader that is immediately adjacent to each trap or pound on the net shall be raised and securely tied to the stakes so as to be entirely above the high water mark, or such portion or portions of the leader shall be entirely removed and taken ashore, during the weekly closed time.

(4) In the case of an anchored salmon net, except as herein otherwise provided, at least ten feet of the portion of the leader that is immediately adjacent to each trap or pound on the net, shall be raised and securely tied to the float-rope in such a manner that no part of this portion of the leader will be hanging down, or such portion of the leader shall be entirely removed and taken ashore, during the weekly closed time, and in either instance a red flag not less than twelve by eighteen inches in size attached to a float so that the flag will be at least two feet above the water, shall be placed in each opening in the leader; the flag shall be left in position until this portion of the leader is replaced.

(5) When weather conditions make it impracticable to adapt stationary nets during the weekly closed time, the nets shall be so adapted for a similar period during that week as soon as weather conditions become sufficiently favourable.

(6) The licensee of any net that is not so raised or adapted during the weekly closed time is not eligible for a renewal of his licence during the following year.

28. No person shall fish for, catch or kill salmon by angling in the waters of the Counties of Restigouche, Gloucester, Northumberland, Kent, Westmorland and any others which are tributary to the Gulf of St. Lawrence from the first day of October to the fourth day of June

Fisheries Act—continued

following, both days inclusive, but in the Restigouche River and its tributaries angling is permitted until the thirty-first day of August only; in the Cains and Dungarvon Rivers, tributaries of the Southwest Miramichi, and in the Jacquet River angling is permitted until the fifteenth day of October; in the Tabusintac and Big Tracadie Rivers angling is permitted until the thirty-first day of October.

29. No person shall fish for, catch or kill salmon by angling in the Saint John River from the first day of October to the fourteenth day of May following, both days inclusive, but in waters which are tributary to the Saint John River or to the Bay of Fundy, except the Saint John River, angling is permitted until the fifteenth day of September only, except that in the Kennebecasis and Nashwaak Rivers, in the Big Salmon River, Saint John County, in the St. Croix, Magaguadavic and Digdequash Rivers, the Petitcodiac River and its tributaries, angling is permitted until the fifteenth day of October.

30. (1) The Regional Supervisor may authorize in writing any person to fish for or kill salmon by angling on and after the first day of April until the twenty-fourth day of May; no person so authorized shall hook more than five nor retain more than one salmon in one day nor fail to return immediately any salmon, which has been hooked but is not retained, to the waters from which it was taken.

(2) The use of a gaff for landing salmon taken by angling previous to May twenty-fourth in each year is prohibited.

31. The number of salmon that may be taken by angling in any one day shall not exceed six, and the number taken in any one week shall not exceed twenty-one.

32. Angling for salmon shall be restricted to fly surface fishing and in such fishing the use of any bait or lure other than artificial flies is prohibited.

33. No person shall use a dam for the purpose of so regulating the retention or discharge of water as to facilitate the catching of salmon, either by suddenly closing or opening the dam, or in any other manner whatsoever.

34. No person shall take or keep from the water a salmon or grilse that weighs less than five pounds round weight, except when taken by angling.

35. Except as otherwise provided herein, no "spent" salmon shall be retained or kept out of the water; if such spent salmon be caught it shall be returned to the water immediately.

36. The use of torches or other artificial lights in fishing for or catching salmon is prohibited.

37. The use of salmon drift-nets is not permitted in

(a) Chaleur Bay,

(b) the portion of the Miramichi bay westward of a straight line drawn from Escuminac breakwater to the lighthouse at the western end of Neguac Island, or

(c) the Saint John river or its expansions, above the Reversing Falls.

Fisheries Act—continued

Scallops

38. (1) No person shall engage in scallop fishing nor shall any person leave any port or place in the Province to fish for scallops, either inside or outside territorial waters, except under licence from the Minister; the fee for such licence is one dollar.

(2) No person shall fish for scallops from the first day of May to the thirtieth day of September, both days inclusive, in that portion of the Bay of Fundy that is between a line drawn from Cape Spencer, St. John County, to Delap Cove, Annapolis County, and a line from the lighthouse at Cape St. Mary, Digby County, to the lighthouse at Western Head in the State of Maine; the total combined length of drags used by any scallop fishing boat in such scallop fishing shall not exceed eighteen feet.

(3) In that part of the Bay of Fundy that is east of a straight line from the lighthouse at Cape St. Mary, Digby County, to the lighthouse at Western Head, in the State of Maine, no person shall fish for scallops with a scallop rake bag that has meshes that are less than three and one-quarter inches, inside diameter.

(4) "Floating" or "soaking" scallop meat in fresh water is prohibited.

Shad

39. (1) No person shall fish for shad with a net except under the authority of a licence from the Minister; the fee for such licence is one dollar.

(2) In tidal waters shad fishing is permitted from the sixteenth day of May to the twentieth day of June, both days inclusive, and in the waters of Bay of Fundy and its tributaries fishing for shad is permitted from May first to October thirty-first, both days inclusive; excepting in the Saint John River and its tidal tributary waters above the Reversing Falls where shad fishing is permitted from May ninth to June twentieth, both days inclusive, and in Saint John harbour below Reversing Falls where such fishing is permitted from May first to June tenth and from August fifteenth until September thirtieth, both days inclusive; except the Chignecto Bay and its tributary waters where such fishing is permitted from May first to September thirtieth of each year, both days inclusive.

(3) In the tidal waters of the Saint John river and its tributaries, no shad net shall exceed thirty fathoms in length, and in these waters not more than two nets shall be licensed in any one family; if the Minister deems such necessary for the protection of the fishery he may require that not more than one net be licensed in any one family.

(4) From the time of low water nearest six o'clock in the afternoon of Friday in each week to the time of low water nearest six o'clock in the forenoon of each Monday following it is unlawful to fish for, catch or kill shad except in the waters of Saint John harbour, where it is unlawful to fish for, catch or kill shad from the time of low water nearest six o'clock in the afternoon of Saturday in each week to the time of low water nearest six o'clock in the forenoon of each Monday following; but after September first in each year there shall be no weekly closed time.

(5) The mesh of shad gill-nets or drift-nets shall be not less than five inches extension measure, when in use.

Fisheries Act—continued

(6) In the tidal waters of the Miramichi river, no gill-net shall exceed thirty fathoms in length, nor shall any such net extend more than one-third of the distance across the river, at the place at which it is set.

(7) The use of seines for catching shad is prohibited.

(8) All shad nets shall have attached thereto a wood or metal tag on which the number of the licence and name of the licensee shall be plainly marked in such manner as to be readily examined by a fishery officer.

(9) When in the opinion of the Regional Supervisor, shad fishing is unduly harmful to any other fishery he may prohibit shad fishing operations at any time before the closing date specified.

Shellfish

40. (1) No person shall fish for or take shellfish in any area listed in the Schedule except as provided therein.

(2) Notwithstanding subsection (1), the Minister may at his discretion authorize by special permit the taking of clams for use as bait only from any of the areas described in the Schedule.

(3) Notwithstanding subsection (1), oysters may be taken and removed from any of the areas described in the Schedule under the following conditions:

- (a) a special permit shall be obtained from the Minister to allow the holder to fish for, take and remove oysters from the area specified therein for the purpose of relaying them in pure water areas or of chlorinating them,
- (b) fishing for, taking or removing oysters is restricted to the period between the first day of June and the fifteenth day of July, both days inclusive,
- (c) the pure water areas shall be approved by the Minister and oysters shall be transferred directly to such areas from the producing beds and remain in the areas for the minimum period of time specified by the Minister, and
- (d) chlorinating shall be done under conditions and for the time specified by the Minister.

Smelts

41. (1) Fishing for smelts, except with gill-nets, bag-nets, box-nets, hook and line or spearing is prohibited.

(2) No person shall fish for smelts with a gill-net, bag-net or box-net except under licence from the Minister.

(3) The fee for a smelt gill-net licence is one dollar.

(4) The fee for either a smelt bag-net or box-net licence is one dollar.

(5) Smelt gill-nets shall have meshes of not less than one and one-quarter inches extension measure when in use.

(6) The meshes of smelt box-nets shall be not less than one and one-eighth inches extension measure when in use.

42. Except as herein otherwise provided and except from the thirty-first day of October to the fifteenth day of February, both days inclusive, no person shall fish for, catch, or kill, smelts by means of a gill-net.

Fisheries Act—continued

43. Except as herein otherwise provided, smelt bag-net and box-net fishing is permitted from the first day of December, to the fifteenth day of February following, both days inclusive.

44. From twelve o'clock midnight on Saturday to twelve o'clock midnight on Sunday following, no fish shall be taken from any smelt bag-net or box-net, nor shall any person prepare to fish for smelts with bag-nets or box-nets by cutting holes in the ice, or placing stakes or rigging for such fishing, or by the actual setting of such nets; but this prohibition shall not be construed to prevent work at nets during this period to free them from moving ice, or to keep pickets used in connection with such nets from being frozen to the ice.

45. (1) Smelt bag-nets, box-nets or gill-nets shall not be set or used within fifty yards from each other across a river nor within one hundred yards of each other up and down a river, but the local fishery officer may in any instance require such greater distance between either nets across or up and down a river as he may consider necessary; and in Miramichi river and bay smelt bag-nets or box-nets shall not be set or used within one hundred yards of each other across the river or bay, or within two hundred yards of each other up and down the river or bay; and the length of a leader of a smelt box-net shall be fixed by the local fishery officer, but in no case shall it exceed one hundred feet in length.

(2) Smelt gill-nets, bag-nets or box-nets shall not be set in the spans of bridges, nor within one hundred yards of such spans.

46. No person shall fish for, catch, kill or sell smelts from the first day of March to the thirtieth day of June, both days inclusive.

47. The mouths of smelt bag-nets used in that portion of the Miramichi River above a straight line across the river from Oak Point wharf on the north side of the eastern boundary of Peter Loggie's property at Pont au Car on the south side shall not be wider than thirty-three feet; the mouths of such nets used below the said line shall not be wider than one hundred feet.

48. (1) No person shall prepare to fish with bag-nets or box-nets by either cutting holes in the ice for, or in connection with fishing purposes, or by placing rigging of any kind for fishing, before eight o'clock in the morning of the day on which bag-net or box-net fishing may legally begin.

(2) Every person opening holes through the ice for the purposes of taking smelts shall mark such holes with four evergreen bushes at least six feet in height, when the holes are not in use.

(3) When the fishery officer for any smelt fishing district deems it advisable he may specify the location of each net.

(4) All smelt bag-nets, and box-nets when set, shall have a wood or metal tag so attached as to be plainly visible, and marked with the licence number and name of the licensee.

Sturgeon

49. (1) No person shall fish for sturgeon except under licence from the Minister; the fee for such licence is one dollar.

(2) No person other than a British subject is eligible for a licence.

Fisheries Act—continued

(3) No person shall fish for, catch or kill any sturgeon from the first day of June to the first day of July, both days inclusive.

(4) The meshes of all nets used for catching sturgeon shall be not less than thirteen inches extension measure, when in use.

(5) All sturgeon nets shall have attached thereto a wood or metal tag on which the number of the licence and the name of the licensee shall be legibly marked so as to be readily examined by a fishery officer.

(6) No sturgeon measuring under four feet in length shall be fished for, caught or killed, but if caught, shall be liberated alive; the measurement shall be made from the extreme point of the nose to the tip of the tail.

Tomcod

50. (1) Fishing for or taking tomcod with a smelt net for which a licence has been obtained is permitted during the smelt net fishing season only.

(2) Licences may be issued by the Minister to authorize the operators of ranches of fur-bearing animals to use special trap-nets, at other seasons of the year, for the capture of tomcod for food for their animals.

(3) The fee for such licence is one dollar.

Saint John Harbour

51. So far only as the requirement of a licence is concerned, any provision of these regulations that requires a licence to authorize fishing does not apply to the harbour of Saint John.

Trap-Nets or Pound-Nets

52. (1) No seine shall be drawn nor any net set within two hundred and fifty yards of any trap-net or pound-net, nor shall any trap-net or pound-net be set or placed nearer to another trap-net or pound-net under licence than two hundred and fifty yards.

(2) Each trap-net or pound-net shall have a tag so attached as to be plainly visible bearing the name of the licensee and the number of his licence; any such net not so marked may be seized and confiscated.

(3) The distance between trap-nets or pound-nets shall be measured from the trap-net or pound-net twine nearest the next adjoining trap-net or pound-net twine.

(4) No trap-net or pound-net shall be operated except under licence; except as herein otherwise provided, the fee for such licence is one dollar, but there is no fee on a licence for a net that is used for gaspereau fishing only.

(5) When the Regional Supervisor finds that the operation of any trap-net is unduly harmful to any fishery he may prohibit the operation of that trap-net at any time.

Trout and Landlocked Salmon

53. (1) Except as herein otherwise provided, no person shall fish for, catch or kill trout of any kind or landlocked salmon from the first day of October to the thirty-first day of March following, both days inclusive.

Fisheries Act—continued

(2) No person shall at any time fish for, catch or kill trout by other means than angling.

(3) Jigging for trout is prohibited.

(4) Except in Loch Lomond, Saint John County, no person shall fish for, catch or kill, in any of the waters of the Province in one day by angling, or shall carry away a greater number of trout than in the aggregate shall weigh more than ten pounds, plus one trout, and no greater number than twenty trout, notwithstanding that the said number may weigh less than ten pounds.

(5) No person shall fish for, catch or kill in Loch Lomond, Saint John County, in one day, by angling, or shall carry away a greater number of brown or eastern speckled trout than twelve in the aggregate.

54. (1) No person shall receive, ship, transport or have in possession for the purpose of shipping or transporting out of Canada any trout; but any person may ship trout caught by him for sport, up to twenty-five pounds in weight, when the shipment is accompanied by a certificate to that effect from either the local fishery officer in whose district the fish were caught or from the agent of a railway station adjacent to the locality in which they were caught; or is accompanied by a copy of the official licence or permit issued to the person making the shipment.

(2) No single package of trout shall exceed twenty-five pounds in weight, nor shall any person ship more than one package during the season.

55. The use of a torch or other artificial light in fishing for or catching trout is prohibited.

56. Nothing in sections 53, 54 and 55 applies to the breeding or rearing of trout of any kind for private enterprise for commercial purposes; but no person shall engage in the breeding or rearing of trout for commercial purposes except under permit from the Minister and under rules prescribed by the Minister.

57. In the Restigouche river fishing for trout is permitted until October fifteenth inclusive.

Weirs

58. (1) The distance laterally along the shore between weirs shall be not less than one thousand feet.

(2) No herring or other weir shall be operated except under licence from the Minister; the fee for such licence is one dollar.

Seines

59. No person shall set or operate a herring seine except under licence from the Minister; the fee for such licence is one dollar.

Whitefish—Baker Lake

60. (1) No person shall fish for, catch or kill whitefish in Baker Lake other than with gill-nets.

(2) The length of a gill-net for taking whitefish shall not exceed thirty-five fathoms and the mesh thereof shall be not less than three inches extension measure; the depth of such net shall be not more than six feet.

Fisheries Act—continued

(3) No person shall fish for, catch or kill whitefish in Baker lake except under licence from the Minister; the fee for such licence is one dollar.

(4) Every whitefish gill-net shall have the name of the licensee and the number of the licence legibly marked on a piece of wood or metal, which shall be attached to one end of the net.

(5) No person shall fish for, catch or kill whitefish from the first day of October to the fourteenth day of May following, both days inclusive.

(6) The use of nets for the capture of fish other than whitefish is prohibited.

(7) Whitefish gill-nets shall be so set that the cork-lines thereof shall remain floating on the surface of the water, or shall be marked by a buoy.

(8) The use of gill-nets, is permitted from six o'clock Tuesday morning to noon on Friday only of each week, during the fishing season.

(9) Permanent residents owning or renting land fronting Baker lake only are eligible for licences, and one person only in each family is eligible.

(10) Nets shall not be set or operated in water that is less than eight feet deep, nor shall any net be set nearer to another than fifty fathoms.

(11) When trout are unavoidably caught in a whitefish gill-net, they shall be liberated in the waters from which they were taken.

COUNTY FISHERY REGULATIONS*County of Charlotte*

61. (1) No weir shall be set or placed on either side of Cow Passage or Cheney's passage, in the island of Grand Manan, without leaving a continuous clear passage or channel of the width of five hundred feet, following the deepest water of the same; and no wing belonging to or used therewith, or attached to any such weir shall extend beyond or into channels of the said passage, or either of them, so as to diminish the said width of five hundred feet.

(2) In no case shall weirs be placed nearer each other than one thousand feet, measured in a straight line laterally along the shore between the weirs.

(3) A fishery officer may, in the event of a violation of subsection (1) or (2), in addition to the penalties imposed, when it is thought necessary by the officer, destroy the said weirs, or wings belonging to them, or used therewith or attached to them, or each of any of them, or such portions thereof as the officer deems necessary.

62. No person shall fish for, catch or kill herring by means of seines within three miles of the shore except from December first to April twenty-fifth next following, both days inclusive; but the Regional Supervisor may prohibit seining at any time or in any locality when, in his opinion, any weir or weirs in operation catch sufficient herring to supply the

Fisheries Act—continued

demand; and further seining is not permitted at any time in the waters of the Passamaquoddy bay or in the waters about Deer Island or within one thousand feet of a weir in operation.

63. In Chamcook and Gibson Lakes, no person shall fish for, catch or kill

(a) any landlocked salmon from September sixteenth to March thirty-first following, both days inclusive,

(b) any landlocked salmon that is less than fourteen inches in length and any such fish that may be taken shall be returned to the water, and

(c) more than ten landlocked salmon in any year.

64. Fishing for scallops in the waters of Charlotte County is prohibited from sunset on each Saturday to sunrise on the following Monday.

65. In the waters of Lake Utopia, Charlotte County, no person shall fish for, catch or kill trout of any kind after September fifteenth.

66. In that portion of Clarence Stream, Charlotte County, from Didgequash Lake to Nodin's Mill, no person shall fish for, catch or kill trout of any kind after September twentieth.

67. Smelt gill-net fishing is permitted from the first day of September to the fifteenth day of April following, both days inclusive.

68. The following area is set apart for scientific investigations by the Fisheries Research Board and no digging or taking clams for other purposes is permitted therein:

The portion of the shore between high and low water mark that is between Joe's Point and Brandy Cove, on the east side of the St. Croix River, which area is adjacent to the property of the Atlantic Biological Station.

County of Restigouche

69. (1) The extent, position and use of salmon nets set from middle grounds or islands in the Restigouche River, below Campbellton, shall be determined by the local fishery officers, in such manner as not to interfere unduly with or impede the movement of salmon.

(2) No person shall fish for salmon by angling from nine o'clock in the evening of every Saturday to six o'clock in the morning of every Monday.

(3) The weekly closed time for salmon net fishing is from the time of low water nearest 8 p.m. Standard Time on each Saturday to the time of low water, nearest 8 a.m. on the following Monday, when all salmon nets shall be raised or adapted as provided for in section 27.

(4) No fishing stand in any of the bays, coves and harbours, at and between Bontroming's rocks and the eastern boundary line of the County of Restigouche shall exceed two hundred fathoms of bar-net, nor have side-nets of greater length than twenty fathoms.

(5) Salmon net fishing is not permitted in the Restigouche river above a straight line drawn from the Ferry wharf at Campbellton, New Brunswick, to Point Bouleau, Quebec.

Fisheries Act—continued

70. No smelt net of any kind shall be set in that part of the Restigouche river west of Dalhousie that is between Cook's Crossing and McNeish's, which is locally known as "Frog Pond".

County of Gloucester

71. (1) No net shall be set, nor any seine or drift-net used in any way to impede or obstruct the free passage of fish into the Grand lake, so-called at Shippigan Island.

(2) No person shall set a net or use a seine in the Little Tracadie River nor in the South River of Pokemouche within one hundred yards of any bridge.

(3) No person shall use a smelt bag-net, box-net, or gill-net in the Big Tracadie River upstream from Pont de France bridge.

(4) All nets shall be set from the shore or edge of the channel towards the thread of the river, and none shall be set upon any middle ground.

(5) When any fish weir, trap or other stationary device is erected contrary to any regulation, the fishery officer shall pull down and demolish such weir, trap or other stationary device.

72. No fishing other than by angling is permitted in Tetagouche, Middle, Little, Bass or Nepisquit rivers, and no salmon net fishing is permitted in Bathurst harbour or in Nepisquit bay above a straight line drawn from a point just above the salmon fishing stand now or formerly occupied by Mrs. David and George Ronalds, which is approximately two rods east of the easterly line of the property now or formerly owned by Mr. Frederick K. Ronalds, to a point on the opposite side of the bay just above the salmon fishing stand now or formerly occupied by Mr. James J. DeGrace, which is approximately six hundred yards southeasterly of the most southerly salmon fishing stand now or formerly occupied by Mr. Sidney DesBrisay and off what is known as the Gagnion property.

73. No nets except smelt bag-nets or box-nets shall be set within the harbour of Bathurst, or on any middle ground, flat or channel, between the forks of the Big River channel and Allston and Caron points, or within fifty fathoms on either side of the Big River Bridge.

74. On that portion of the coast of Gloucester County extending from Belledune River to Caron Point, inclusive, no person shall fish for, catch or kill salmon with nets of any kind from July twenty-first to May fourteenth following, both days inclusive; on this portion of the coast the provisions of section 27 respecting weekly closed time does not apply.

75. (1) All nets for the catching of gaspereau in the rivers of Pokemouche and Tracadie and their several branches, shall be set with the stream up and down the river, and not at an angle to the stream.

(2) In the river Pokemouche no net for the catching of gaspereau shall be set from Etienne Arsenau's shore to river's shore so as to impede the free course of fish going up the South river.

(3) Bass or gaspereau shall not be taken in the river of Caraquet, or in Saint Simon's inlet, by seining, and no seine shall be used for the catching of bass or gaspereau in the said river or inlet.

Fisheries Act—continued

76. Between the first day of July and the first day of November, no net for catching herring, or any other fish, shall be moored or anchored on any bank or shore, or any part of any bank or shore, in the Bay Chaleur, situated between Missonette point and point Miscou; all nets used upon these banks or any part of them, shall be fastened to boats or other craft, and not otherwise.

77. Smelt gill-net fishing is permitted only from the fifteenth day of September to the fifteenth day of February following, both days inclusive.

78. Spars and buoys used on lobster fishing gear that is set in waters where salmon drift-net fishing is carried on shall be of smooth material without any rough surfaces or projections that might entangle salmon drift-nets when passing over them.

County of Northumberland

79. No person shall build, make or make use of in the bay, harbour or river Miramichi, or any of its branches or in any other river, any brush or wooden weir or trap for the purpose of taking any kind of fish.

80. (1) The use of nets in tidal waters for catching pickerel, suckers, chub, perch and other coarse fish, except under permit, issued by authority of the Minister, is prohibited.

(2) All such nets when set shall have attached thereto a wooden or metal tag plainly marked with the number of the permit and the name of the permit holder, which tag shall be plainly visible at all stages of the tide.

81. Unless otherwise specified in the licence, the leaders of all salmon nets shall be set to start at low water mark, and the total length of leader authorized shall be measured from the picket nearest the shore to the mouth of the outer trap and shall include the distance across the intervening trap or traps, in the case of anchored nets the leader shall be measured in the same way but from the point nearest the shore.

82. Net fishing for herring is prohibited within three-quarters of a mile to the westward of Lower Neguac gully and extending down three-quarters of a mile to the eastward of Lower Neguac gully, and within three-quarters of a mile from the shore within these points; no person shall set any net in Neguac bay within twenty fathoms of any other net set for the taking of herring in Neguac bay.

83. (1) Except as herein otherwise provided, in the waters that lie along the County of Northumberland, New Brunswick, including the tidal tributary waters, except from the thirty-first day of October to the fifteenth day of February, both days inclusive, no person shall fish for smelt by means of a gill-net, bag-net or box-net.

(2) Net fishing for smelts or tomcod in that portion of the Miramichi river or its tributaries that is west of the Morrissey bridge, is prohibited.

84. Spars and buoys used on lobster fishing gear that is set east of a straight line drawn from Escuminac breakwater to the lighthouse at the western end of Neguac island shall be of smooth material without any rough surfaces or projections that might entangle salmon drift-nets passing over them.

Fisheries Act—continued*County of Kent*

85. (1) Smelt gill-net fishing is prohibited in Kouchibouguac bay east of a straight line from Fountain creek southerly to Kelly's point; in Richibucto river and its tributaries west of Rexton Highway Bridge; and in the portion of Buctouche bay west of a straight line from Indian point, southerly to Gaddy's point and including Black, Buctouche, and Little rivers.

(2) In that portion of the Richibucto river that is above a straight line drawn from the westerly point of Bass river to a point immediately across on the opposite shore, no person shall set a net of any kind.

County of Westmorland

86. (1) In the waters that lie along that portion of the coast including the tidal tributary waters between the eastern end of the boundary between the provinces of Nova Scotia and New Brunswick, and a straight line from the boundary between Kent and Westmorland Counties, to the northern point of Shediac Island, except from the thirty-first day of October to the fifteenth day of February, both days inclusive, no person shall fish for smelt by means of a gill-net, bag-net or box-net.

(2) Dip-net fishing for smelts for local domestic use but not for sale or barter is permitted in the waters of the Petitcodiac river and its tributaries from the first day of May to the fifteenth day of June, both days inclusive.

(3) In that portion of the Shediac river that is above the second Highway Bridge no person shall set a net of any kind.

(4) In that portion of the Scoudouc river that is above the Railroad Bridge no person shall set a net of any kind.

(5) In that portion of the Kouchibouguac river that is above a straight line across the river one thousand yards below the second Highway Bridge no person shall set a net of any kind.

(6) In that portion of the Abougaggin river that is above a straight line across the river from Cormier's Point on the west side to a point immediately across on the opposite shore no person shall set a net of any kind.

*Counties of Saint John, King's, Queen's, Sunbury, York,
Carleton and Victoria*

87 (1) Except in that portion of the river Saint John extending from the city of Saint John to the mouth of Belle Isle bay, no net shall exceed thirty fathoms into any river, cove, or creek, nor more than one-fourth part of the width of the water between the shore on either side of such river, cove or creek, and any island or sand bar in such river, cove or creek.

(2) The width of all such rivers, coves or creeks, where there are any islands or sand bars shall be computed from the opposite shore to the island or sand bar to where the waters surrounding the said island or bars are three feet deep.

(3) In case of shallow rivers, where the water is not three feet deep or more, no net or other encumbrance shall extend more than one-fourth of the width of the river or stream, such width to be computed from the one shore of such river or stream to the opposite shore.

Fisheries Act—continued

88. Each weir used for fishing purposes within the limits of the harbour of Saint John shall be provided with a fish escape of such pattern as may be approved by the Minister.

89. The tidal boundary of the Saint John river is hereby defined as at a line drawn from Crock's point or Lunt's ferry to the opposite shore.

90. (1) In Canadian waters of Chiputneticook lakes except as herein otherwise provided, no person shall fish from October first inclusive in each year, until the ice leaves the lakes in the following year.

(2) No person shall fish in waters connecting the Chiputneticook lakes

(a) from September sixteenth in each year to May eighteenth following, both days inclusive, and

(b) except by means of fly surface fishing.

91. (1) Except in Grand Lake, fishing by hook and line through the ice for domestic purposes only is permitted under the following conditions:

(a) a permit issued by authority of the Minister shall be obtained,

(b) fishing is restricted to the months of February, March and April,

(c) no fishing is permitted from one hour after sunset each day to one hour before sunrise the following day,

(d) each permit authorizes the use of not more than five lines with not more than one hook attached to each line,

(e) fishing shall be carried on by the permittee only, and

(f) not more than one person in any one family is eligible for a permit.

(2) Fishing for whitefish with gill-nets for domestic use only is permitted in Grand Lake, under the following conditions:

(a) a permit issued by authority of the Minister shall be obtained,

(b) fishing is confined to the month of November,

(c) the length of each net shall not exceed fifteen fathoms and the mesh thereof shall not exceed two and one-half inches extension measure when in use.

(d) nets shall be placed at distances of not less than one hundred yards apart,

(e) nets shall be legibly marked by a tag or float attached thereto with the full name of the permittee thereon and the number of the permit, and that the position of each net shall be marked by a buoy, and

(f) no net shall be set or fished within one-half mile above the dam at Forest City.

92. No person shall fish or retain any trout that is less than seven inches in length, and landlocked salmon or any togue that is less than fourteen inches in length, any black bass that is less than ten inches in length, nor any white perch that is less than six inches in length, the method of measurement in each case being from the end of the nose to the end of the tail.

93. (1) The use of nets in tidal waters for catching pickerel, suckers, chub, perch and other coarse fish, except under permit issued by authority of the Minister, is prohibited.

Fisheries Act—continued

(2) All nets shall have attached thereto a wooden or metal tag plainly marked with the number of the permit and the name of the permittee, which tag shall be plainly visible at all stages of the water.

94. In the waters of Little Magaguadavic Lake in the County of York no person shall fish for, catch or kill trout of any kind or landlocked salmon from September sixteenth to May twenty-third following, both days inclusive.

95. In the County of Saint John smelt gill-net fishing is permitted from the first day of September to the fifteenth day of April following, both days inclusive.

96. In the County of Saint John fishing for trout in the lakes located in Rockwood Park is permitted from May twenty-fourth until September fifteenth, both days inclusive, and the number of trout that may be taken in any one day shall not exceed six.

97. In the waters off Saint John County, no person shall fish for, catch or kill, herring by means of purse-seines within three miles of the shore, excepting from December first to April twenty-fifth next following, both days inclusive, and the Regional Supervisor may prohibit or prevent purse-seining at any time, or in any locality when, in his opinion, any weir or weirs in operation catch sufficient herring to supply the demand and further, purse-seining is not permitted within one thousand feet of a weir in operation.

SCHEDULE

The following areas have been declared by the Minister of Health and Welfare to be contaminated areas, and no person shall fish for or take shellfish therefrom for use as a raw food.

1. That portion of St. Andrews Harbour, Charlotte County, including the shore of Navy Island and the flats adjacent to Navy Island and the shore of the mainland from Joe's Point to the mouth of Kitty Cove; except that any one may fish for or take clams for any purpose from the first day of October to the thirtieth day of June, next following, both days inclusive, in that portion of St. Andrews Harbour that is between a straight line from the westerly end of Navy Island to Joe's Point and a straight line from the westerly end of Navy Island to the upper end of Western Block.

2. That portion of Black river, Kent County, that is above or westwardly of the shore road bridge.

3. That portion of Richibucto river, Kent County, that is between a straight line across the said river from Jardine Point on the easterly side to a point opposite on the westerly side and a straight line across the said river between points on either side about one mile above Rexton bridge, each of which points shall be marked by a fishery officer for the district.

4. That portion of Shediac bay, Westmorland County, that is southwardly of a straight line across the said bay from Oyster Survey Monument No. 157 on the westerly shore thereof to Oyster Survey Monument No. 164 at the southerly end of Shediac Island, as well as in waters within four hundred feet of the wharf at Grandigue, Kent County, at the northerly end of the said bay.

Fisheries Act—continued

5. Bathurst basin and harbour Gloucester County, westwardly of a straight line across the mouth of the said harbour from Alston point to Caron Point.

6. Inside the two sand dunes at Millstream gully, Gloucester County.

7. The waters of Shippegan bay and harbour, upper Shippegan bay and St. Simon inlet within four hundred feet of all wharves.

8. That portion of Lameque bay, Gloucester County, bounded on the north by a straight line running from the northerly end of Jean Marie bridge to a point one-half mile west magnetic and one-quarter mile north of the shore end of Lameque wharf, on the west by a straight line running one-half mile south magnetic from the above-mentioned point; and on the south by a straight line running from the southerly end of the western boundary to the northerly end of Red bridge, so-called, on Upper Lameque river, the extreme points of the westerly boundary of which will be marked by the Fishery Officer for the district.

9. That portion of Cacagne harbour and river, Kent County, that is westwardly of a straight line across the said harbour from the wharf on the point just south of Gueguen Brook to Jim Long's Cape, each of which points shall be marked by the fishery officer for the district, except that oysters may be taken from February fifteenth to March thirty-first, both days inclusive.

10. That portion of Buctouche river, Kent County, that is westward of a straight line drawn at high tide from Indian Point westerly to Priest Point and extended to the south bank of the Buctouche river.

11. Shediak river, Westmorland County, westwardly of a line across the mouth of the said river in a direction north-northwest from Poirier Point.

12. Caraquet bay, Gloucester County, opposite the plant of Gorton Pew (N.B.) Ltd., within a radius of one-half mile of Young's wharf, so-called, also within a radius of one-half mile of the wharf of Caraquet Packers Ltd., and the areas within four hundred feet of all other wharves.

13. That portion of Baie Ste. Anne, Northumberland County, that is southwardly of a straight line drawn from the outer end of Baie St. Anne wharf due west to intersect the west shore at Sandy Point.

14. That portion of Bay du Vin River, Northumberland County, that is southwardly of a straight line drawn across the mouth of the said River, and marked by the local fishery officer, due east from Tucker's Point.

15. That portion of Black River, Northumberland County, that is westwardly of a straight line drawn from McDougall's Point due north to the north shore of the River.

16. That portion of the St. Croix River, Charlotte County, including Oak Bay and the Waweig River and all tidal tributaries, north of a straight line drawn due east from the centre of the lighthouse on Dochet Island.

17. That portion of Tabusintac Lagoon, Northumberland County, lying between the western shore and the middle of the channel and between straight lines drawn due east from a point on the shoreline seven hundred

Fisheries Act—continued

feet southwest of the clam shucking plant known as Benson Sweezy's and a point on the shoreline four hundred feet northeast of the Tabusintac Fish Co-operative plant.

18. That portion of the Miramichi River, Northumberland County, upstream from a straight line drawn between Point du Quart on the southern shore and the outlet of Oyster River on the northern shore.

19. That portion of the Buctouche River, Kent County, near the mouth of the southwest branch by straight lines drawn true north and true west from the southeastern end of the highway bridge at St. Francois de Kent to the mainland.

20. The portion of the Magaguadavic River, Charlotte County, from a straight line drawn in a northeasterly direction from Midjik Point lighthouse to Campbell Point on the north side of the river to the public wharf at St. George.

21. That portion of the St. Croix River, Charlotte County, lying between Joe's Point and St. Stephen and embracing Shellfish areas, N.B., No. 43 and No. 44 and including the Waweig River and Oak Bay.

22. That portion of the waters of Cumberland Basin inside a straight line drawn in a northerly direction from Minudie Point, Cumberland County, Nova Scotia, to Wood Point, Westmorland County, New Brunswick.

23. That portion of the Gaspereau River, Westmorland County, inside a straight line across the headlands at the mouth of the River from Fort Monckton to Point Monash.

24. The shore and adjacent flats to low water mark from Davis's Point, otherwise known as Blackland Point, where the Sea Shell Cottages are, to Holland Garden Point, about midway between Lock's Brook and the Pocologan River, in Charlotte County.

25. That portion of Beaver Harbour, Charlotte County, that is westward of a straight line northerly from Lighthouse Point to the outer end of Basin Bar.

26. That portion of Black's Harbour and the inlet to the Harbour, Charlotte County, that is inside a straight line in a southeasterly direction from L'Etang Head to Pea Point.

27. That portion of Back Bay and Back Basin, Charlotte County, that is inside a straight line in a northeasterly direction from Crow Point to Lovatt's Head.

28. The shore, coves and flats from Tucker's Point, about one-quarter mile southeasterly of the Ferry Wharf, to the westerly side of the estuary of McLean's Creek, about one-third mile northwesterly of the Ferry Wharf, in Charlotte County.

29. The shore of the mainland to low water mark from a point four hundred feet southeasterly to a point four hundred feet northwesterly from the mouth of Carson's Brook, Charlotte County.

30. The flats, known as Boom's Cove, on the westerly side of the estuary of the Digdeguash River, Charlotte County, from the first day of June to the thirtieth day of September.

Fisheries Act—continued

31. That portion of the eastern shore of Deer Island, Charlotte County, to low water mark, from Northwest Harbour Point, being the point or headland on the northerly side of the entrance to Northwest Harbour, to Little Island Point, being the point or headland at the northern end of Stuart Cove.

32. The claim areas at Chamcook, Charlotte County, between McCann's Head and Lighthouse Point.

33. That portion of the shore between Schullion's Point and James Brook Point, Charlotte County.

34. The waters of Shediac Bay south of a straight line from Oyster Monument No. 157 to the outermost point of the Government Wharf at Point de Chene.

35. The waters within four hundred feet of any wharf.

36. That portion of Buctouche River, Kent County, that is between a straight line across the said river due south from Sawmill Point (J. D. Irving's) and a straight line across the said river due west from the southeasterly end of the highway swing bridge, the shore points of which lines shall be marked by the fishery officer for the district, except that oysters may be taken from February fifteenth to March thirty-first, both days inclusive.

37. That portion of Tracadie lagoon north of a line drawn true west from Four Roads gully to the mainland.

38. Those portions of Tracadie lagoon and Tracadie bay south of a line drawn true east from Old Wharf to the barrier island.

39. That portion of Buctouche River, Kent County, that is between the Canadian National Railways bridge and the Mount Carmel Road Bridge, but oysters may be taken from February fifteenth to March thirty-first, both days inclusive and from November first to November thirtieth, both days inclusive.

40. Shediac River, Westmorland County, westwardly of a line across the mouth of the said river in a direction north-northwest from Poirier Point, but oysters may be taken from November first to November thirtieth, both day inclusive.

41. That portion of the Richibucto River, Kent County, that is between a straight line across the said river from Fagan Point to a point at the southerly entrance to the Northwest arm, and a straight line across the said river from Jardine Point on the easterly side to a point opposite on the westerly side, each of which points shall be marked by the fishery officer for the district, but oysters may be taken from November first to November thirtieth, both days inclusive.

42. The area at Maisonnnette Point, Gloucester County, described as follows: North and northwestward to highwater mark of a line drawn from a point at highwater mark at the southern end of Sandy point to the point of intersection of the western boundary of the Joe Cormier lane extended in a straight line with highwater mark on the beach.

Fisheries Act—continued

43. The waters of Pocologan Harbour, Charlotte County, southwest of a straight line southeast from Holland Lantern Point to the most easterly point on the south shore of the harbour, except from October first to May thirty-first, both days inclusive.

44. That portion of the Gaspereau River, Westmorland County, inside a straight line across the headlands at the mouth of the River from Fort Monckton to Point Monash.

45. The waters of Shediac Bay south of a straight line from Oyster Monument No. 157 to the outermost point of the Government Wharf at Point de Chene.

46. The waters within four hundred feet of any wharf.

(3) Newfoundland Fishery Regulations

The Fisheries Act had not been proclaimed in force in Newfoundland on January 1, 1955. See Terms of Union of Newfoundland with Canada, volume III, page 2725.

(4) Prince Edward Island Fishery Regulations

P.C. 1954-1911

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and pursuant to section 34 of the Fisheries Act, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of Prince Edward Island, established by Order in Council P.C. 5690 of 8th November, 1949, as amended, are hereby revoked; and

2. The annexed "Prince Edward Island Fishery Regulations" are hereby made and established in substitution for the regulations hereby revoked.

PRINCE EDWARD ISLAND FISHERY REGULATIONS*Short Title*

1. These regulations may be cited as the *Prince Edward Island Fishery Regulations*.

2. In these regulations,

(a) "angling" means fishing or attempting to fish with a hook and line held in the hand, or with a hook and line and rod, the latter held in the hand, but does not include set-lines or lines fastened to a boat;

Fisheries Act—continued

- (b) "bag-net" means an apparatus that catches fish without enmeshing them; consisting of a bag attached to stakes, which floats with the tide or current;
- (c) "box-net" means an apparatus that catches fish without enmeshing them; consisting of a net made and set in the form of a box, with a trap into which the fish are guided by a leader;
- (d) "closed season" means a specified period in which fish may not legally be taken;
- (e) "District Protection Officer" means the District Protection Officer for Prince Edward Island;
- (f) "fishery guardian" means a guardian appointed by the Minister;
- (g) "fishery officer" means a fishery officer appointed under the Fisheries Act;
- (h) "fly surface fishing" means angling with an artificial fly or flies, which may be single or double hooked, attached to the line or to a leader that is attached to the line;
- (i) "gill-net" means a net that catches fish by enmeshing them, but which does not enclose an area of water;
- (j) "grilse" means a young salmon;
- (k) "jigging" means fishing for, catching or killing a fish with a hook or hooks manipulated so as to pierce and hook a fish in any part of the body other than the mouth;
- (l) "Minister" means the Minister of Fisheries;
- (m) "picking", as applied to oysters, means the taking of oysters by hand without tools or implements;
- (n) "purse-seine" means a net weighted at the bottom and mounted with rings through which a line is run and floated at the top. It is cast from a boat to enclose an area of water, and is then closed at the bottom by the aforesaid line through the rings so as to form a purse or bag;
- (o) "shellfish" includes oysters, clams, mussels, scallops and all other bi-valve molluscs;
- (p) "sport fish" includes salmon, trout and bass;
- (q) "trap-net" means an apparatus set to enclose an area of water, into which area fish are guided by a leader and find entrance through an opening or openings; and
- (r) "weir" differs from a "trap-net" in that it is constructed of brush and twine or wire-netting.

General

3. In angling no person shall use more than one fishing line, and such line shall have not more than three separate hooks, but in fly surface fishing double hooked flies may be used.

4. The Minister may authorize the issue of special permits to take bait for deepsea fishing, for any specified time during the weekly closed time.

5. All packages of fish legally taken during the fishing season for such fish, shall be accompanied either by a certificate from a fishery officer or by a statutory declaration of the shipper certifying that such fish were

Fisheries Act—continued

legally taken, or such certificate may be attached to the shipper's way-bill; the certificate shall show the number of packages in the shipment together with the name or names of the kinds of fish contained in such shipment.

6. The presence of dynamite or other explosive on board any fishing boat without the written permission of a fishery officer is deemed to be evidence of the killing of fish with explosive materials.

7. The use of nets, set lines or trawls in non-tidal waters is prohibited.

8. (1) The introduction of non-indigenous or non-native fish into the waters of the Province except by special permission of the Minister is prohibited.

(2) The jigging of any sport fish is prohibited.

(3) Fishing by angling for any fish is prohibited in non-tidal waters frequented by sport fish when sport fishing therein is illegal.

9. (1) No person shall operate a trap-net except under licence from the Minister; the fee for such licence is one dollar.

(2) Each trap-net shall have permanently attached to it a tag on which the name of the licensee and the number of his licence shall be clearly visible at all times.

(3) The distance between trap-nets shall be not less than two hundred yards measured from the trap-net twine nearest the next adjoining trap-net twine.

(4) Where the District Protection Officer finds that the operation of any trap-net is unduly harmful to any other fishery, he may prohibit the operation of that trap-net at any time.

Clams

10. (1) For the purposes of this section clams include soft-shell, longneck or squirt clams (*Mya arenaria*); bar clams (*Macra solidissima*), and quahaugs (*Venus mercenaria*).

(2) No person shall fish for, take, have in possession or sell any bar clam less than two and one-quarter inches in length of shell measured in a straight line, nor any other clam less than two inches so measured.

(3) No person shall retain any clam of a length less than that specified in subsection (2) beyond the period required to measure it when he shall return it to the area from which it was taken, but soft-shell clams of a length less than that specified may be taken, had in possession or sold when taken from an over-populated area so designated by the Minister.

(4) In fishing for or taking soft-shell clams from any public bed hand tools only may be used.

(5) Fishing for quahaugs in bays, harbours and other waters where oysters are taken is permitted only in areas set apart and marked by a fishery officer.

(6) Fishing for quahaugs on Sunday is prohibited.

Fisheries Act—continued

Eel Fishing

11. No person shall, during September, October and November, fish for eels with a spear and torch or other artificial light in any waters frequented by salmon or trout, and this method of fishing is prohibited at all times in non-tidal waters frequented by salmon or trout.

Gaspereau

12. (1) Gaspereau gill-net fishing is permitted under the following conditions only:

- (a) a special permit issued by authority of the Minister shall be obtained,
- (b) fishing is restricted to the period from June first to July fifteenth, both days inclusive,
- (c) nets shall be set up and down stream only,
- (d) fishing is permitted in the mouths of rivers or streams, which mouths shall be defined by a fishery officer, and
- (e) fishing is not permitted in Pointe de Roche, Blooming Point or other similar so-called ponds or in the channels connecting them with the coastal waters, but where there is a scarcity of bait for local commercial hook and line or lobster fishermen, such amount of net fishing in these waters as will meet bait needs may be permitted under written authority from the District Protection Officer.

(2) When, in the opinion of the District Protection Officer, gaspereau fishing is unduly harmful to any other fishery, he may prohibit gaspereau fishing.

Herring

13. (1) No seine shall be drawn or any net set within six hundred feet of any weir or trap-net.

(2) Fishing for herring in the manner known as "driving" with torches, flambeaux or other artificial light, is prohibited.

Mackerel and Herring

14. The use of purse-seines is permitted for the capture of mackerel and herring, but no purse-seine fishing is permitted within one mile of any weir, trap-net or other stationary fishing appliance operated under licence.

Oysters

15. (1) No person shall fish for, catch or kill oysters on public beds except under licence from the Minister; the fee for such licence is fifty cents.

(2) No portion of Malpeque or Richmond bay, including the Narrows and tributaries thereto between this bay and Cascumpeque bay, Brackley bay and Covehead bay, or their tributaries, is a public bed, and no public oyster fishing is permitted in any part thereof.

(3) No portion of Foxley River or its tributaries is a public oyster bed and no public oyster fishing is permitted in any part thereof, except that portion of Trout River and its tributaries in the Cascumpeque area, above or westerly of Goff's Bridge.

Fisheries Act—continued

(4) No portion of Alexandra and Pownal Bays that are northerly of a straight line joining Squaw Point, which marks the eastern boundary of Pownal Bay, is a public fishing bed, and no public oyster fishing is permitted in any part thereof.

16. (1) Except as herein otherwise provided, no person shall fish for, catch or kill oysters on public beds from November twenty-sixth to September thirtieth, both days inclusive.

(2) From June first to August fifteenth, both days inclusive, no person shall, except for purposes of replanting, fish for, catch or kill oysters on leased areas.

17. Except with the authority of the Minister, no person shall place in the waters of the Province any oysters that were taken outside of the said waters.

18. Fishing for oysters is prohibited on Sunday and from sunset to sunrise on any other day of the week.

19. (1) The Minister may, where he deems it necessary, prescribe the minimum distance from a live oyster bed to where mud digging may be permitted, and no person shall dig mud within such prescribed distance.

(2) No person shall dig mud in that portion of Bedeque Bay which lies south and east of a straight line drawn from the northeast corner of Cole's Wharf to the southernmost tip of Oyster Point.

(3) No person shall dig mud in Malpeque Bay or its tributaries, except under a permit issued by authority of the Minister; such digging shall be confined to areas set aside for that purpose by authority of the Minister.

20. The use, for taking oysters on public oyster beds, of quahaug rakes, drags or tongs operated by purchase power, or tongs or rakes other than the tongs or rakes now used in oyster fishing, is prohibited.

21. Under a special permit issued by authority of the Minister, unculled oysters may be picked from June first to September twenty-fourth, both dates inclusive, from an area or areas specified in such permit for the purpose of stocking leased oyster areas; the District Protection Officer may, however, close any area or areas to the picking of oysters under this section if he deems such picking detrimental to the oyster fishery.

22. (1) Except as herein otherwise provided, no person shall fish for, retain or kill any oyster of a size less than three and one-half inches measured in a straight line across the widest part of the shell.

(2) Oysters of any size may be taken and removed from any leased area for relaying, and such oysters may be taken to and relaid on any other area when such transfer is not otherwise prohibited.

23. Single, undersized oysters which are taken from public beds in fishing operations shall be immediately returned to the water; undersized oysters that are in clusters or attached to oysters of legal size may be brought to shore for separating and culling and shall then be immediately returned to the public areas from which they were taken.

Fisheries Act—continued

Salmon

24. No person shall fish for, catch or kill salmon otherwise than with gill-nets, drift-nets, trap-nets or pound-nets, or by angling.

25. The mesh of salmon drift-nets or gill-nets, and the leaders of salmon trap-nets or pound-nets shall be not less than five inches extension measure, when in use.

26. No person shall fish for, catch or kill salmon with nets of any kind from August sixteenth to June fourth, both days inclusive.

27. From the time of low water nearest six o'clock in the afternoon of every Saturday to the time of low water nearest six o'clock in the forenoon of every Monday, all salmon fishing gill-nets, drift-nets, pound and trap-nets used for catching salmon shall be raised or adapted to admit the free passage of fish through, by or out of such nets or be so closed to obstruct and prevent completely the entrance of fish in such apparatus.

28. The number of salmon that may be taken by angling in any one day shall not exceed six, and the number taken in any one week shall not exceed twenty-one.

29. No person shall fish for salmon by angling from the first day of November to the fourth day of June following, both days inclusive.

30. Angling for salmon is restricted to fly surface fishing, and in such fishing the use of any bait or lure other than an artificial fly or flies is prohibited.

31. No person shall use a dam for the purpose of regulating the retention or discharge of water to facilitate the catching of salmon, either by suddenly closing or opening the dam or in any other manner whatever.

32. Except by angling, no person shall fish for, catch or kill a salmon or grilse weighing less than three pounds round weight; a person who takes any such salmon or grilse except by angling shall return it immediately to the water.

33. No person shall retain or keep out of the water from which taken a "spent" salmon, so called; a person who takes any such salmon shall return it immediately to the water.

34. The use of torches or other artificial lights in fishing for or catching salmon is prohibited.

35. No person shall fish for salmon with a net of any kind except under licence from the Minister; the fee for such licence is one dollar.

Scallops

36. (1) No person shall engage in scallop fishing nor shall any person leave any port or place in the Province to fish for scallops, either inside or outside territorial waters, except under licence from the Minister; the fee for such licence is one dollar.

(2) The practice known as "floating" or "soaking" scallop meat in fresh water is prohibited.

Fisheries Act—continued*Shellfish*

37. (1) No person shall fish for or take shellfish in any area listed in the Schedule.

(2) Notwithstanding subsection (1), the Minister may authorize by special permit the taking of clams for use as bait only from any of the areas described in the Schedule.

(3) Notwithstanding subsection (1), oysters may be taken and removed from any of the areas described in the Schedule under the following conditions:

- (a) a special permit shall be obtained from the Minister to allow the holder to fish for, take and remove oysters from the area specified therein, for the purpose of relaying them in pure water areas or of chlorinating them,
- (b) fishing for, taking or removing oysters is restricted to the period between June first and July fifteenth, doth days inclusive, but in areas designated by the Minister, may continue to a date determined by the Minister, such date however not to be beyond July thirty-first;
- (c) the pure water areas shall be approved by the Minister and oysters shall be transferred directly to such areas from the producing beds and remain in the areas for the minimum period of time specified by the Minister, and
- (d) chlorinating shall be done under conditions and for the time specified by the Minister.

(4) In area number 37 of the Schedule, the holder of a special permit issued in respect of that area may fish for, take and remove oysters to a size not less than two and one-half inches measured in a straight line across the widest part of the shell.

Smelts

38. Fishing for smelts, except with gill-nets, bag-nets, box-nets or hook and line, is prohibited.

39. No person shall fish for smelts with a gill-net, bag-net or box-net, except under licence from the Minister.

40. The licence fee for each set of smelt gill-nets, of one hundred and fifty fathoms or less, is one dollar.

41. The licence fee for a smelt bag-net or box-net is one dollar.

42. Smelt gill-nets, bag-nets and box-nets shall have a mesh of not less than one and one-quarter inches extension measure, when in use; the use of leaders to bag-nets is prohibited.

43. Smelt gill-net fishing is permitted from October first to February fifteenth, both days inclusive.

44. (1) Smelt bag-net fishing is permitted from the hour of eight o'clock in the forenoon of November sixteenth to February fifteenth, both days inclusive.

(2) From twelve o'clock midnight on each Saturday to twelve o'clock midnight on the following Sunday smelt bag-nets shall be raised or adapted to admit the free passage of smelts through, by or out of such nets.

Fisheries Act—continued

45. Smelt bag-nets, box-nets or gill-nets shall not be set or used within fifty yards from each other across a river, nor within one hundred yards of each other up and down a river, but the local fishery officer may in any instance require such greater distance between nets across or up and down a river as he may consider necessary.

46. The length of the leader of a smelt box-net shall be fixed by the local Fishery Officer, but in no case shall it exceed one hundred feet in length; the mesh of leaders of smelt box-nets shall not exceed one and one-half inches extension measure, when in use.

47. Smelt gill-nets, bag-nets or box nets shall not be set in the spans of bridges nor within one hundred yards from a bridge.

48. All smelt-nets shall be legibly marked by a tag or float attached thereto, with the full name of the owner or operator of the net, so that the tag or float can be readily seen at all stages of the water without raising the net.

49. No person shall fish for, catch, kill or sell smelts from the first day of April to the thirtieth day of June, both days inclusive.

50. No person shall prepare to fish with bag-nets or box-nets either by cutting holes in the ice for, or in connection with fishing purposes, or by placing rigging of any kind for fishing before eight o'clock in the morning of the day on which bag-net fishing may legally begin.

51. Every person opening holes in the ice for the purpose of smelt fishing shall mark the holes with four evergreen bushes at least six feet in height, when the holes are not in use.

Trout

52. (1) Except as herein otherwise provided, no person shall fish for, catch or kill any speckled trout, or any other kind of trout, from September sixteenth to April fourteenth, both days inclusive.

(2) No person shall at any time fish for, catch or kill trout by other means than angling.

(3) Jigging for trout is prohibited.

(4) The export of speckled trout is prohibited, but any non-resident fishing in waters of the Province may upon leaving the Province take away the lawful catch of two days fishing, if the shipment is accompanied by a certificate to that effect from either the local fishery officer in whose district the fish were caught, or from the agent of a railway station adjacent to the locality in which they were caught.

(5) No single package of speckled trout shall exceed twenty-five pounds in weight, nor shall any person ship more than one package during the season.

(6) Except as herein otherwise provided, no person shall fish for, catch or kill in any of the waters of the Province, in any one day by angling, or carry away a greater number of speckled trout or brook trout than in the aggregate weigh more than ten pounds, plus one trout, and no greater number than twenty speckled trout or brook trout, notwithstanding that this number may weigh less than ten pounds.

(7) The use of a torch or other artificial light in fishing for or catching trout is prohibited.

Fisheries Act—continued

(8) Except as herein otherwise provided, no person shall fish for or retain any trout that is less than six inches in length measured from the end of the nose to the centre of the tail, and anyone who catches any trout less than six inches in length shall immediately return it to the water.

(9) In O'Keefe's, Afton and Glenfinnan lakes

(a) no person shall fish for trout of any kind from November first to the thirtieth day of June following, both days inclusive,

(b) fishing is restricted to angling with artificial flies,

(c) no person shall fish for or retain any rainbow trout less than ten inches in length measured from the end of the nose to the centre of the tail, and any person who catches any trout that measures less than ten inches in length shall immediately return it to the water, and

(d) no person shall in one day catch and retain more than three rainbow trout.

(10) This section does not apply to the breeding or rearing of trout of any kind by private enterprise for commercial purposes; but no person shall engage in the breeding or rearing of trout for commercial purposes except under permit from the Minister and under rules prescribed by the Minister.

Schedule

The following areas have been declared by the Minister of National Health and Welfare to be contaminated areas, and no person shall fish for or take shellfish therefrom for use as a raw food.

1. That portion of Kildare River, Prince County, that is above or northwardly of the southerly boundary line of T-3 and U-3, in accordance with the Plan showing Oyster Leases in Cascumpeque Harbour.

2. That portion of Cascumpeque Harbour, Prince County, including T-15-16, U-14-15-16, and V-14-15-16, in accordance with the Plan showing Oyster Leases in Cascumpeque Harbour.

3. That portion of Dock River, including Alberton Creek, Prince County, that is above or northwardly of the division line between S-17 and S-18, in accordance with the Plan showing Oyster Leases in Cascumpeque Harbour.

4. That portion of Mill River, Prince County that is above or westwardly of a line across the said river due south from the point at the upstream or westerly entrance of Long Creek.

5. That portion of the old Morell River, Queens County, upstream of a straight line drawn in a southerly direction from Anderson's Point to Taylor's Point.

6. That portion of Trout River, Prince County, that is above or westerly of a straight line drawn north 49 degrees 30 minutes east, astronomic, from topographical monument No. 174 in accordance with the Plan showing Oyster Leases in Foxley River.

7. That portion of Foxley River, Prince County, that is above the easterly boundary line of Sections P and Y of Division 313 and the easterly boundaries of sections E, F, O, and P of Division 314 in accordance with the Plan showing Oyster Leases in Foxley River.

Fisheries Act—continued

8. That portion of Conway Narrows, Prince County, that is between a line drawn across the said Narrows southwest astronomic from Oyster Survey Monument No. 100 and a line drawn across the said narrows southwest astronomic from Oyster Survey Monument No. 102, in accordance with the Plan showing Oyster Leases in Conway Narrows.

9. That portion of Carr's Creek, Prince County, that is above or southwestward of a straight line drawn across the Creek from Ramsay's Point to Inman's Point.

10. That portion of Smelt Creek, Prince County, that is above or westward of a straight line drawn across the mouth of the Creek from a point on the southerly shore located a distance of one thousand two hundred and fifty feet northwesterly from Oyster Survey Monument No. 56 to the end of the Point on the northerly side of the mouth of the Creek.

11. That portion of Trout River, tributary to Bideford of Goodwood River, Prince County, that is above or southwardly of the southerly bounday lines of Section A in Division 185 and Section E of Division 186, in accordance with the Plan showing Oyster Leases in Malpeque Bay.

12. That portion of Granville River, Queens County, upstream from a straight line drawn in an easterly direction from Taylor's Point to Moris Point.

13. That portion of Grand or Ellis River, including the tributaries thereto, in the Malpeque Bay area, Prince County, that is above or southwardly of the highway bridge at Ellis River.

14. That portion of the Kildare River, Prince County included in Map Sections N-17, N-18, O-17, O-18, and P-18 in accordance with Sheet One of the Plan showing Oyster Leases in the Cascumpec Bay Area, Revised Edition 1951.

15. Those portions of New London Bay, Queens County, that are within four hundred feet above and four hundred feet below the New London Bridge and the Stanley River Bridge; and in the French River, a tributary to New London Bay.

16. Those portions of Rustico Bay, Queens County,

(i) including Divisions 435 and 436;

(ii) Hunter River above or southwardly of the southerly boundary lines of Section A in Division 422 and Section E in Division 423;

(iii) Sections R, V and W in Division 406; all in accordance with the Plan showing Oyster Leases in Rustico Bay.

17. That portion of Brackley Bay, Queens County, that is westwardly of a straight line drawn across the Bay from Oyster Survey Monument No. 117 to Oyster Survey Monument No. 119, in accordance with the Plan showing Oyster Leases in Covehead and Brackley Bays, from the first day of June to the 30th day of September, both days inclusive.

18. That portion of Tracadie Bay, Queens County, included in Division 621, in accordance with the Plan showing Oyster Leases in Tracadie Bay.

19. That portion of Savage Harbour, Kings County included in sections E, D and G in Division 710 and sections X and Y in Division 708, in accordance with the Plan showing Oyster Leases in Savage Harbour.

Fisheries Act—continued

20. North Lake, Kings County.

21. That portion of Fortune River, Kings County, eastward from the Highway Bridge to a straight line drawn across the River from Chester Burke's Brook to Ernest Aitken's Point.

22. The waters within four hundred feet of any wharf.

23. That portion of Clark's Creek, Prince County, that is above or northward of a straight line drawn across the Creek from Rose Hill Point to Best's Point.

24. That portion of Murray River, Kings County, that is above or westward of a straight line drawn across the River from Finlayson's Point, otherwise known as Bottle Point, at the western entrance to Log Cove due south magnetic to the opposite shore.

25. That portion of Murray Harbour, Kings County, that is southwardly of a straight line drawn from Oldstore or Beach Point, at the entrance of the said harbour, to Guernsee or Machons Point.

26. That portion of St. Peters Bay and River in Kings County, P.E.I., east of a straight line drawn due north from a point one mile west of the highway bridge.

27. That portion of North Lake in Kings County, P.E.I., within 400 feet of the dredged entrance at the north end of the lake.

28. That portion of Vernon River, Queens County, that is above or northwardly of a line drawn across the said river due east from Oyster Survey Monument No. 6, Fraser's Point, in accordance with the Plan showing Oyster Leases in Vernon and Orwell Rivers.

29. That portion of Seal River, tributary to Vernon River, Queens County, that is above or northwardly of the highway bridge.

30. Charlottetown Harbour, Queens County.

31. Those portions of Hillsborough or East River, tributary to Charlottetown Harbour, Queens County:—

- (i) below or westwardly of a straight line drawn across the said river from Apple Tree Point to Campbell's Point, which is at the upstream side of the entrance of Johnston River;
- (ii) above or eastwardly of a straight line drawn across the said river from Carr's Point to McKinnon's Point at the mouth of Pisquid River.

32. York or North River, tributary to Charlottetown Harbour, Queens County.

33. That portion of Eliot or West River, tributary to Charlottetown Harbour, Queens County, that is below or eastwardly of a straight line drawn across the said river from the upstream side of John McPhee's Creek to Lowther's Point.

34. Victoria Harbour and Westmorland River, Queens County.

35. Tryon River, Prince County.

36. Borden Harbour, Prince County.

Fisheries Act—continued

37. That portion of Bedeque Bay, Prince County, that is inside, that is eastward, of a straight line drawn across the said bay from Indian Point to Phelan Point.

38. Haldimand River, tributary to Egmont Bay, Prince County.

39. Sedgewick Cove, Prince County.

40. That part of the Cardigan River, King's County, that is westwardly of a straight line drawn across the River, and marked by the local fishery officer, approximately one mile downstream from the highway bridge at the village of Cardigan.

41. That portion of the Montague River, King's County, that is westwardly of a straight line drawn across the River, and marked by the local fishery officer, approximately one mile downstream from the highway bridge at the town of Montague.

42. That portion of the waters of Georgetown Harbour, King's County, that is landward of a straight line drawn from the end of the breakwater to Poxey Point.

(5) Quebec Fishery Regulations

P.C. 1954-2027

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of Quebec, established by Order in Council P.C. 5693 of 8th November, 1949, as amended, are hereby revoked; and

2. The annexed "Quebec Fishery Regulations" are hereby made and established in substitution for the regulations hereby revoked.

FISHERY REGULATIONS FOR THE PROVINCE OF QUEBEC

Short Title

1. These regulations may be cited as the *Quebec Fishery Regulations*.

2. In these regulations,

(a) "angling" means the taking of fish with hook and line held in the hand, or hook and line and rod, the latter held in the hand, but does not include set lines or lines tied to a boat;

(b) "bag-net" means an apparatus that catches fish without enmeshing them consisting of wings or leaders terminating in a bag into which the fish are let; it is attached to stakes and floats with the tide or current;

Fisheries Act—continued

- (c) "box-net" means an apparatus that catches fish without enmeshing them, and that consists of a net made and set in the form of a box, with a trap into which the fish are guided by a leader;
- (d) "close season" means specified period in which fish may not legally be taken;
- (e) "drag-seine" means a net weighted at the bottom and floated at the top cast from a boat so as to enclose a space of water between it and the shore, and then drawn ashore;
- (f) "eel-trap" means a submerged apparatus for catching eels without enmeshing them; it has a top as well as a bottom and may or may not have wings or leaders;
- (g) "extension measure" means the inside distance between the two knots, which are diagonally opposite each other in any mesh of a net after the mesh has been drawn together to form two parallel lines;
- (h) "fishery officer" means such officer having authority from the Department of Game and Fisheries for the Province of Quebec;
- (i) "fly surface fishing" means angling with an artificial fly or flies, which may be single or double hooked, attached to the line or to a leader, that is attached to the line; the line shall be so cast and the rod so manipulated that the fly or flies will alight on and be kept at or near the surface of the water;
- (j) "gill-net" means a net that catches fish by enmeshing them; it may be staked, anchored or floating;
- (k) "hoop-net" means an apparatus that catches fish without enmeshing them; it is constructed on hoops and terminates in a tapering bag in which the fish are held; it may or may not have wings or leaders;
- (l) "Minister" means the Minister of Game and Fisheries for the Province of Quebec;
- (m) "Minister of Fisheries" means the Minister of Fisheries for Canada;
- (n) "night-line" means a line to which hooks are attached at intervals but does not include "trawls" or "bultows" used by sea fishermen;
- (o) "non-resident" means any person domiciled in the Province of Quebec for a period of less than six months;
- (p) "one day" means from sunrise to sunset;
- (q) "trap-net" or "pound-net" means an apparatus that catches fish without enmeshing them; it consists of a leader and an enclosure with a bottom, into which enclosure the fish are guided by the leader; it may be either staked or floating; and
- (r) "weir" differs from a "pound-net" or "trap-net" in that it has no bottom.

Angling

3. (1) In angling no person shall use more than one fishing line, and such fishing line shall have not more than three hooks, but in fly surface fishing double hooked flies may be used.

(2) Non-residents shall not angle for or take any fish without an angler's permit issued by authority of the Minister.

(3) One angler's permit only shall be issued to each applicant; such permit is not transferable and can be legally used only by the person whose

Fisheries Act—continued

name appears thereon; each holder of an angler's permit is required to produce and exhibit his permit when called upon to do so by any fishery officer.

(4) Residents shall not angle in salmon rivers or in lakes, except under permit issued by authority of the Minister.

(5) The fee for an angling permit is as determined by the Lieutenant-Governor in Council.

Black Bass (Achigan)

4. (1) Except as herein otherwise provided, no person shall fish for, catch or kill a small-mouthed or a large-mouthed black bass from the sixteenth day of October to the thirtieth day of June following, both days inclusive.

(2) No person shall fish for or take black bass except by angling and any such fish accidentally taken otherwise shall be immediately returned to the water.

(3) Except as herein otherwise provided, no person shall retain or keep out of the water, or have in possession without lawful excuse, any black bass less than ten inches, measured from the tip of the snout to the centre of the posterior edge of the tail; any person who takes any such fish shall immediately return it, to the water.

(4) Except as herein otherwise provided, no person shall in one day fish for, catch, kill, or carry away a greater catch of black bass (achigan) than weighs fifteen pounds, plus one such fish, but in no case, shall the number taken in one day exceed ten such fish, nor shall anyone have in possession at any time a greater number than one day's legal catch.

(5) In the waters of the county of Brome, excepting those of lake Memphremagog, no person shall fish for, catch, kill or carry away in one day a greater number of black bass (achigan) than six.

(6) The export of black bass (achigan) no matter where procured is prohibited; provided that any non-resident angler fishing in the waters of the province under a proper permit, may on leaving the province take away the lawful catch of one day's fishing.

(7) In the lakes of the counties of Terrebonne and Argenteuil, the provisions of subsections 1, 3, 4 and 5 above shall not apply.

Clams—Soft-shell, Long-Neck or Squirt Clam

5. (1) When the Minister of National Health and Welfare determines that shellfish in any area are toxic to a degree unsafe for use as a raw food the Minister of Fisheries shall close the area by order in writing; thereafter, except when the shellfish are to be canned, no person shall fish for, take or possess shellfish from the area until the Minister of National Health and Welfare determines that shellfish in the area are no longer so toxic and until the Minister of Fisheries has opened the area by order in writing.

(2) In fishing for or taking soft-shell clams from any public bed, hand tools only may be used.

Fisheries Act—*continued*

(3) No person shall fish for, take, have in possession or sell any soft-shell clam less than two inches in length of shell measured in a straight line, and no person shall retain any soft-shell clam of less than the specified length beyond the period required to measure it when he shall return it alive and uninjured to the area from which it was taken.

Cod Fishing in the Gulf of St. Lawrence

6. (1) A licence is not required for a cod trap-net that is set at a distance of not less than one thousand yards from shore or one thousand yards seaward from any similar net set from the shore.

(2) A cod trap-net shall not be set near the mouth of any river frequented by salmon, nor in any manner or place to obstruct or interfere with the passage of salmon.

(3) All cod trap-nets shall be placed at distances of not less than two hundred and fifty yards apart, and no fishing apparatus of any kind shall be set, or used in or about any part of the water between cod trap-nets; a fishery officer may direct, that any greater space than two hundred and fifty yards shall be left between cod trap-nets, and any cod trap-net or other fishing apparatus which the owner or person using neglects or refuses to remove in accordance with such direction, shall be deemed illegal and liable to be forfeited together with the fish caught therein, and the owner or person using the same shall also be liable to the penalties provided by the Act.

(4) If the leader of a cod trap-net extends from the shore, any fishery officer may determine the length of the leader that shall be used.

(5) The pots of cod trap-nets shall have meshes of at least four inches extension measure, and the leaders shall have meshes of at least six inches extension measure when in use.

(6) The fee for a cod trap-net licence is fifty cents for each fathom in length of leader and such fee is payable in advance; in the Magdalen Islands the fee for such a licence is one dollar.

(7) Should an inhabitant of the United States who is fishing with cod trap-nets in Canadian waters in the exercise of liberties under the Treaty of 1818 apply for a licence under these regulations, such licence shall be issued to him for any unoccupied berth he may select.

Magdalen Islands

7. (1) It is unlawful, during the season of herring and mackerel fishing in Pleasant bay (Magdalen Islands), from the first of May to the fifteenth of June, to set any net or nets opposite the entrance of Amherst harbour, that is to say: eastward of a line drawn from the northwest end of the cape bounding the mouth of said harbour to the east end of cape Alright, as far as another line intersecting the same and bearing east southeast (magnetic) with the north cape of Entry island; and no person or persons are permitted at any time to set any net or nets in the middle of Sandy Hook channel nor shall any net or nets be set along the northern and western shores of Entry island at more than one mile distant from the beach; provided, however, that fishermen may lay their nets from Alright and Grindstone islands towards Entry island to within half a mile of those set upon the northern and western shores of said island, so as to leave

Fisheries Act—continued

always, for the purposes of navigation, a clear channel against the entrance into Amherst harbour, and preserve free access to the bottom of Pleasant bay for the schools of herrings and mackerel resorting thereto.

(2) No nets shall be set in the said bay nearer to each other than one hundred feet.

(3) When it is impracticable to find the owner or owners of any net or nets set in contravention of these regulations any fishery officer may, upon sight, proceed to remove and confiscate such net or nets.

Eels

8. (1) The mesh of netting in an eel-weir or eel-trap shall be not less than two and one-quarter inches extension measure when in use; and the mesh of a wire net shall be not less than one and one-eighth inches inside open mesh measure.

(2) The retention of eels under twenty inches in length is prohibited, and such eels, if captured, shall be liberated.

(3) The fee for an eel-weir, eel-trap or eel-pot, is ten cents for each fathom in length of leader used.

(4) During the months of October and November, no person shall fish for eels with a spear or torch in any waters frequented by salmon or trout.

Explosives

9. (1) It is unlawful for any person or persons to procure or have in his possession on board of any boat or vessel or elsewhere, any dynamite or other explosive material with the intention of using or attempting to use or allowing or permitting the same to be used or attempted to be used for the purposes of catching or killing or attempting to catch or kill fish.

(2) It is unlawful for any person or persons to put or have upon or in any boat or vessel engaged or employed or intended to be engaged or employed in fishing, any dynamite or other explosive.

(3) Where dynamite or other explosive is found or proved to be or to have been in or upon any boat or vessel, the master and the owner shall each be liable for the penalty provided for breach of subsection (2) as well as any other person or persons who may have put or placed such dynamite or other explosive upon or in the said boat or vessel or had the same in possession therein.

Herring

10. (1) A licence is not required for a herring trap-net that is set not less than one thousand yards from shore or one thousand yards seaward from any similar net set from the shore.

(2) A herring trap-net shall not be set near the mouth of any river frequented by salmon nor in any manner, or place to obstruct or interfere with the passage of salmon.

(3) All herring trap-nets shall be placed not less than two hundred and fifty yards apart, and no fishing apparatus of any kind shall be set or used in or about any part of the water between herring trap-nets; a fishery officer may direct that any greater space than two hundred and fifty yards shall be left between herring trap-nets and any herring trap-net or other

Fisheries Act—continued

fishing apparatus which the owner or person using neglects or refuses to remove in accordance with such direction is deemed to be illegal and liable to forfeiture, together with the fish caught therein, and the owner or person using the same shall also be liable to the fines and penalties provided by the Act.

(4) If the leader of a herring trap-net extends from the shore, a fishery officer may determine the length of the leader that shall be used.

(5) The pots of herring trap-nets shall have meshes of at least one and one-quarter inches extension measure, and the leaders shall have meshes of at least four inches extension measure when in use.

(6) The fee for a herring trap-net licence is ten cents for each fathom in length of leader and such fee is payable in advance.

(7) A herring seine shall not be used within one hundred and ten fathoms of any herring trap-net.

(8) The fee for a herring seine licence is ten cents for each fathom in length of net covered by the licence and such fee is payable in advance.

Licences

11. (1) In the waters of the Province, whether tidal or not, except in fishing for herring or mackerel with gill-nets, no person shall fish by means of nets, traps, weirs or other similar apparatus or contrivance of any kind, or with night-lines, whether fixed to the soil or not, except under licence issued by authority of the Minister.

(2) To promote commercial fishing in Lake St. Peter, a lake expansion of the St. Lawrence River, as well as in the waters of the St. Lawrence River bordering the counties of Nicolet and Lotbiniere on the South Shore and St. Maurice and Champlain on the North Shore, fishermen who are sixteen years of age and over may be permitted, after paying a fee of twenty dollars, to fish up to a maximum of forty hoop-nets including wings; provided that there and elsewhere in the Province the fees for permits authorizing the setting of a number of hoop-nets less than twenty are calculated at the rate of one dollar for each hoop-net plus ten cents per fathom on the length of wings used as leaders.

(3) The fee for a licence for seines not otherwise provided for in these regulations is at the rate of ten cents per fathom in length of net covered by the licence; at the Magdalen Islands the fee on such licence is one dollar.

(4) The fee for a licence for night-lines, not otherwise provided for herein is two dollars for the first one hundred hooks, and one dollar for each additional one hundred hooks or fraction thereof covered by the licence.

(5) The fee for a licence for gill-nets not otherwise provided for herein is at the rate of ten cents per fathom in length of net covered by the licence.

(6) The fee for a licence for a brush weir for the catching of mixed fish, is ten cents for each fathom in length of leader used.

Fisheries Act—continued*Limitation of Catch, Lake Massawippi*

12. (1) No person shall fish for, catch or kill in one day in Lake Massawippi, Stanstead county, more fish of any kind than will in the aggregate weigh more than fifteen pounds round weight.

(2) No person shall retain any Atlantic salmon, gray trout or pike that is less than fifteen inches in length; any person who takes or catches any fish that is less than fifteen inches in length shall return it to the water.

Maskinonge

13. (1) No person shall fish for, catch or kill any maskinonge from the sixteenth day of October to the fifteenth day of June following, both days inclusive.

(2) No person shall fish for or take maskinonge except by angling, and any such fish that may be accidentally taken shall be liberated.

(3) No person shall retain or keep out of water or have in possession without lawful excuse any maskinonge that is less than thirty inches in length measured from the tip of the snout to the centre of the posterior edge of the tail; any person who takes or catches any such fish shall return it immediately to the water.

(4) No person shall fish for, catch or kill in any of the waters of the Province, in one day, by angling, a greater number of maskinonge than in the aggregate weigh more than thirty pounds, plus one such fish, but in no case shall the number taken in one day exceed three such fish nor shall any one have in his possession, at any time, a greater number than one day's legal catch.

(5) The export of maskinonge, no matter where procured, is prohibited, but any non-resident fishing under permit may, on leaving the Province, take away the lawful catch of one day's fishing.

Ouananiche

14. (1) No person shall fish for, catch or kill any ouananiche from the first day of October to the thirtieth day of April following, both days inclusive.

(2) No person shall fish for or take ouananiche except by angling, and any such fish that may be accidentally taken shall be liberated.

(3) No ouananiche less than twelve inches in length measured from the tip of the snout to the posterior edge of the tail shall be retained or kept out of the water, but anyone who takes or catches such fish shall immediately return it to the water.

(4) No person shall in one day fish for, catch or kill in any of the waters of the Province or shall carry away a greater catch of ouananiche than weigh fifteen pounds, plus one such fish, but in no case shall the number taken in one day exceed ten such fish, nor shall anyone have in his possession at any time a greater number than one day's legal catch.

(5) The export of ouananiche, no matter where procured, is prohibited, but any non-resident fishing in the waters of the Province under permit may, on leaving the Province, take away the lawful catch of one day's fishing.

Fisheries Act—continued*Pickeral (Dore)*

15. (1) Except as herein otherwise provided no person shall fish for, catch, kill or export any pickerel (dore) from the sixteenth day of November to the fifteenth day of May following, both days inclusive.

(2) In the waters of Missisquoi Bay and in the waters of the Province lying to the north of the forty-seventh parallel of latitude excepting those waters in the territory comprised in the Provincial Hunting and Fishing Reserve of Kippewa, no person shall fish for, catch, kill or export pickerel (dore) from the sixteenth day of April to the fifteenth day of May, both days inclusive.

(3) No pickerel (dore) less than fifteen inches in length, measured from the top of the snout to the posterior edge of the tail, shall be retained or kept out of the water, and any pickerel (dore) less than fifteen inches in length that may be accidentally taken shall be returned to the water.

(4) No person shall fish for, catch or kill, in any of the waters of the Province, in one day, by angling, a greater number of pickerel (dore) than in the aggregate weigh more than thirty pounds, plus one such fish, but in no case shall the number taken in one day exceed ten such fish, nor shall any one have in his possession, at any time, a greater number than one day's legal catch.

Northern Pike

16. In all waters of the Province north of the Ottawa and St. Lawrence rivers, no person shall fish for, catch or kill in one day by angling a greater number of northern pike than in the aggregate weigh more than thirty pounds, plus one fish; and in no case shall anyone have in his possession, at any time, a greater number than one day's legal catch, and in no case, shall any northern pike less than seventeen inches in length be retained or kept out of the water.

Grass Pike

17. (1) No person shall fish for, catch or kill any grass pike in Brome pond, near Sweetsburg, from the fifteenth day of April to the fifteenth day of May, both days inclusive.

(2) No grass pike less than fifteen inches in length shall be retained or kept out of the waters of Brome pond and any grass pike less than fifteen inches in length, measured from the tip of the snout to the posterior edge of the tail, that may be accidentally taken from the said Brome pond shall be immediately returned to the said waters.

(3) No one shall fish through the ice in Brome pond.

Prohibitions

18. No person shall fish with nets of any kind in the Iroquois river in the county of St. Johns.

19. No person shall fish with nets of any kind in the lakes and their tributary streams in the counties of Missisquoi, Shefford, Brome, Drummond, Richmond, Wolfe, Sherbrooke, Stanstead, Compton, Megantic and Beauce.

Fisheries Act—continued

20. No night-lines used in the districts mentioned in section 19 shall have more than one hundred hooks each.

21. Except in the waters between the Beauharnois Dam up river and a line starting from the southern extremity of Cascades Point, in the county of Soulanges, directly south to the opposite shore in the county of Beauharnois, where sturgeon only may be taken with gill nets of at least four inches extension measure when in use, no person shall fish with seines, hoop-nets, or nets of any kind during the months of July and August in each year in that part of the St. Lawrence river extending from a line drawn from the eastern boundaries of the counties of Champlain and Nicolet to the international boundary line between Canada and the United States, including the Ottawa, Richelieu, Yamaska, St. Francois and all the other tributaries of the St. Lawrence river within the above named limits.

22. No person shall fish in Brome lake except by angling.

23. No person shall fish by any means, except with rod and line or night-line, in the Lake of Two Mountains and the Ottawa river.

24. No person shall fish by any means except with rod and line, or night-line in the portions of the des Prairies and des Milles-Iles rivers, district of Montreal, above the Canadian National Railways Bridge at the junction of these rivers with the St. Lawrence.

25. No person shall fish in river Bergeron (so-called Annance river) which runs through the townships of Marston and Clinton in the county of Frontenac, except by angling with a fly in the manner known as fly surface fishing.

26. No person shall use a dam for the purpose of so regulating the retention or discharge of water as to facilitate the catching of fish of any kind, either by suddenly closing or opening the dam, or in any other manner whatever.

27. No person shall fish by means of any kind in the areas described as follows:

(a) At Paspebiac: An area inside the bar bounded on the west by a straight line from the intersection of lots 303a and 303b on the south and the intersection of lots 227 and 228 on the north; on the north by the mainland; and on the east and south by the sand bar.

(b) At Port Daniel: An area bounded on the north by the intersection of lots 147 and 148 and on the south by the centre of lot 143, and extending those two lines parallel two thousand feet towards the sea.

28. No person shall use as bait in waters that speckled trout, rainbow trout, grey trout or Quebec red trout (*marstoni*) frequent, any live minnow or other live small fish that has not been taken originally from the waters in which it is so used.

29. No person shall fish with, carry or be in possession of minnows in the following area:

(a) the entire watershed of the Diable River, situated within Montagne-Tremblante Park, excepting therefrom, however, the waters tributary to Montagne-Tremblante Lake; and

Fisheries Act—continued

- (b) the entire area situated outside Montagne-Tremblante Park and including concessions A and 4 of Grandisson Township, county of Terrebonne; concessions 2 and 3 of the said Township, east of the outlet of Montagne-Tremblante Lake and the Diable River, including this river downstream from its junction with the outlet of Montagne-Tremblante Lake; all of the waters tributary to the Diable River and Black Creek, the outlet of Nantel Lake, flowing through concessions 7 and 15 inclusive, Township of Wolfe, county of Terrebonne; the subdivided part of Rolland Township, county of Terrebonne, as well as all of the waters of Archambault Township, county of Terrebonne, tributary to the Diable River.

Propagation of Fish

30. The waters hereafter described are set apart for the natural propagation of fish:

- (a) Salmon River, in the county of Huntingdon with limits extending one-half mile on either side of its mouth; and
- (b) The Magog and Massawippi Rivers, in the counties of Stanstead and Sherbrooke, and the waters and tributary streams of Lake Massawippi up to and including the distance of one mile from the said Lake Massawippi; the River Negro and its tributaries; the Tomofibia River up to Boynton dam and the Little Magog Lake; the waters and tributary streams of Lake Lyster; the outlet of Cristal Lake to the dam; the tributaries of Baldwin's Pond; provided that angling may be allowed in these waters from May twenty-fourth to October twentieth, both days inclusive; and in that part of the Magog River, extending from Memphremagog Lake to the first dam, an approximate distance of four thousand eight hundred feet, angling is permitted from May first to October twentieth, both days inclusive; that the taking of perch by angling is allowed at any time of the year in Little Lake Magog and in Round Bay in Lake Massawippi.

Atlantic Salmon

31. (1) No person shall fish for, catch or kill salmon except with gill-nets, trap-nets, pound-nets or weirs, or by angling.

(2) Except in the waters about the Magdalen Islands, no person shall fish for salmon with a net of any kind except under licence issued by authority of the Minister.

(3) The mesh of salmon gill-nets and the leaders of salmon trap-nets, pound-nets or weirs shall not be less than five inches extension measure when in use.

(4) The fee for a licence for a salmon trap-net, pound-net or weir, is ten cents for each fathom in length of bar-net used.

(5) The fee for a licence for a salmon gill-net is ten cents for each fathom in length of net covered by the licence.

32. All salmon gill-nets, trap-nets, pound-nets or weirs shall have the name of the licensee and the number of his licence legibly marked on two pieces of wood or metal attached to the same so as to be visible at all stages of the tide without taking up the net.

Fisheries Act—continued

33. No person shall fish for, catch or kill salmon except by angling from the sixteenth day of August to the fourth day of June following, both days inclusive.

34. (1) The weekly close time for salmon net fishing shall be from 8 a.m. Standard Time on each Saturday to 8 a.m. Standard Time on each Monday; in the counties of Bonaventure, Gaspé South, Gaspé North, Matane, Rimouski, Temiscouata and Saguenay (including Anticosti Island), the weekly close time shall be from 8 p.m. Standard Time on each Saturday to 8 a.m. Standard Time on each Monday.

(2) In the case of a salmon stake-net, at least ten feet of the portion of the leader that is immediately adjacent to each trap or pound on the net, shall be raised and securely tied to the stakes so as to be entirely above highwater mark, or such portion, or portions, of the leader shall be entirely removed, and taken ashore, during the weekly close time.

(3) In the case of an anchored salmon net, at least ten feet of the portion of the leader that is immediately adjacent to each trap or pound on the net, shall be raised and securely tied to the float-rope in such a manner that no part of this portion of the leader will be hanging down, or such portion of the leader shall be entirely removed and taken ashore, during the weekly close time, and in either instance a red flag not less than twelve by eighteen inches in size attached to a float so that the flag will be at least two feet above the water, shall be placed in each opening in the leader; this flag shall be left in position until this portion of the leader is replaced.

(4) In instances where, in the opinion of the Provincial Department of Game and Fisheries, salmon stake or anchored nets or other salmon fishing apparatus, would not be put out of fishing condition by complying with the requirements of subsections 2 and 3, in addition to complying with the said requirements all such nets shall be otherwise raised or adapted to admit the free passage of fish through, by or out of such apparatus, or be effectively closed to completely obstruct or prevent the entrance of salmon into such apparatus.

(5) Where weather conditions make it impracticable to adapt stationary nets during the weekly close time as provided herein, such nets shall be adapted for a similar period during that week as soon as weather conditions become sufficiently favourable therefor.

(6) The licensee of any net that is not raised or adapted during the weekly close time is not eligible for a renewal of his licence the following year, saving moreover the penalties provided by law.

35. (1) No fishing except by angling is permitted in the following rivers, nor within one mile on either side of the mouths thereof:

Big Bergeronnes	Godbout
Laval	Calument
Blanche	Vachon
English (west of Mistassini)	Trout or Metamek
Mistassini	

(2) No fishing except by angling is permitted in the following waters:

- (a) Sheldrake river,—east of Seven Islands harbour,—nor within one-half mile on either side of the mouth thereof;
- (b) Jupitagon river,—nor within one-half mile on either side of the mouth thereof;

Fisheries Act—continued

- (c) Magpie river,—nor within one-half mile on either side of the mouth thereof;
- (d) Trinity river,—nor within one-half mile on either side of the mouth thereof;
- (e) Little Trinity river,—nor within one-half mile on either side of the mouth thereof;
- (f) Matane river,—nor within one-half mile on either side of the mouth thereof;
- (g) Grand Pabos river,—nor within one-half mile on either side of the mouth thereof;
- (h) Little Pabos river,—nor within one-half mile on either side of the mouth thereof;
- (i) Dartmouth river,—above a straight line drawn north and south astronomic across the river from Collin's Point;
- (j) York river,—above a line drawn north and south astronomic across the river from the old mill wharf on the north side, at the lower end of the channel;
- (k) St. John river,—(Gaspé) nor within two hundred and fifty yards on either side of the mouth thereof;
- (l) Malbaie or Barachois river,—(Gaspé) nor within two hundred and fifty yards on either side of the mouth thereof;
- (m) Grand river,—(Gaspé) nor nearer than the wharf on the east side of the mouth, nor within six hundred yards of its mouth on the west side of the river;
- (n) Thunder river,—nor within the inner basin at the mouth of the river;
- (o) Mingan river,—nor within two hundred and fifty yards of the mouth thereof;
- (p) St. John river,—above where the river narrows,—about two miles from the mouth;
- (q) Bonaventure river,—nor in front of the barachois at the mouth of the river, nor within one hundred and fifty yards east of the eastern end of the barachois, nor nearer the barachois on the west side than at a point opposite the church, about one-half mile from the barachois;
- (r) Little Cascapedia river,—nor nearer the mouth on the east side than one mile easterly from Point Monroe;
- (s) Grand Cascapedia river,—nor between its mouth and the mouth of the Little Cascapedia on the east side, nor nearer on the west side than a point opposite Bujold's old mill on Gilmore river, about two miles from the western side of the mouth of the Grand Cascapedia rivers;
- (t) Restigouche river,—above a straight line drawn from point Bouleau to the Ferry wharf in Campbellton;
- (u) Port Daniel rivers,—nor above a straight line drawn from the first small rocky point below the railway bridge on the east side of the mouths of the rivers to a point on the west side of the mouth of Little Port Daniel river three hundred yards below its mouth;
- (v) Magdalen river,—nor within two miles on the east side of the mouth thereof, nor nearer than the lighthouse point on the west side of its mouth;

Fisheries Act—continued

- (w) St. Anne des Monts river,—nor within one-half mile on either side of the mouth thereof;
- (x) Cap Chat river,—nor within one-half mile on either side of the mouth thereof; and
- (y) Metis river,—nor within one-half mile on either side of the mouth thereof.

36. Except as herein otherwise provided no person shall fish for, catch or kill salmon by angling from the first day of September to the fourth day of June following, both days inclusive.

37. No person shall fish for, catch or kill salmon by angling,
- (a) in the Restigouche River and those portions of its tributaries under lease to the Restigouche Salmon Club from the sixteenth day of August to the fourth day of June following, both days inclusive;
 - (b) in the Barachois River from the sixteenth day of September to the fourth day of June following, both days inclusive; or
 - (c) in the Matane River from its mouth to its tributary the Little Matane River, and in the Port Daniel and Little Bonaventure Rivers from the sixteenth day of October to the fourth day of June following, both days inclusive.

38. No person shall use worms or any other kind of bait than artificial flies in fishing for, catching or killing salmon by angling.

39. Unless taken by angling, no person shall retain or keep out of the water from which taken, any salmon or grilse weighing less than three pounds round weight; a person who takes any such salmon or grilse except by angling shall return it immediately to the water.

40. The use of salmon drift-nets is not permitted in any of the territorial waters of the Province.

41. No person shall fish for salmon with a net of any kind at or from any place in the Magdalen Islands, except under licence issued by authority of the Minister of Fisheries.

42. The number of salmon which may be taken by angling in any one day shall not exceed six, and the number taken in any one week shall not exceed twenty-one.

Landlocked Atlantic and Sebago Salmon

43. (1) No person shall fish for, catch or kill landlocked Atlantic salmon or sebago salmon from the first day of October to the thirtieth day of April following, both days inclusive.

(2) No landlocked Atlantic or sebago salmon less than fifteen inches in length shall be retained or kept out of the water, and any one who takes such fish shall immediately return it to the water.

(3) No person shall in one day fish for, catch or kill in any of the waters of the Province, or shall carry away a greater number of landlocked Atlantic or of sebago salmon than in the aggregate shall weigh more than forty pounds, plus one such fish, but in no case shall the number taken in one day exceed five such fish, nor shall any one have in his possession, at any time, a greater number than one day's legal catch.

Fisheries Act—continued

(4) The export of landlocked Atlantic salmon and sebago salmon no matter where procured, is prohibited, but any non-resident fishing in the waters of the Province under a permit may, on leaving the Province, take away the lawful catch of one day's fishing.

Scallops

44. No person shall fish for, catch or kill scallops from the fifteenth day of June to the thirtieth day of September, both days inclusive.

Smelts

45. (1) Fishing for smelts except with gill-nets, bag-nets, box-nets, drag-seines or hook and line is prohibited.

(2) Except in the waters of the Magdalen Islands no person shall fish for smelts otherwise than by hook and line, except under licence issued by authority of the Minister.

(3) The fee for a smelt-gill-net licence is two dollars; provided that in the Magdalen Islands the fee for such a licence is one dollar.

(4) The fee for a smelt bag-net, box-net or drag-seine licence is three dollars.

46. Smelt gill-nets and bag-nets shall have a mesh of not less than one and one-quarter inches extension measures when in use.

47. Smelt gill-net fishing is permitted from September first to February fifteenth following, both days inclusive; in the Magdalen Islands such fishing is permitted only from October first in each year.

48. Smelt bag-net and box-net fishing is permitted from the twenty-fifth day of November to the last day of February following, both days inclusive, excepting that at the Magdalen Islands such fishing is permitted from and including the first day of October in each year.

49. (1) Smelt drag-seine fishing is permitted from the first of September until the close of navigation in each year.

(2) Drag-seining for smelts is permitted only in localities where bag-netting or box-netting is not being carried on.

50. From the time of low water nearest six o'clock in the afternoon of Saturday of each week, to the time of low water nearest six o'clock in the forenoon of the Monday next following, bag-nets and box-nets shall be raised or adapted to admit the free passage of smelts through, by or out of such bag-nets and box-nets; except, however, that in the case of smelt gill-nets and drag-seines the weekly close period will be from one o'clock in the afternoon of Saturday to one o'clock in the forenoon of Monday, that is, a period of thirty-six hours.

51. No one shall fish for, catch or kill smelts from the first day of April to the thirtieth day of June in each year, both days inclusive.

Seals

52. (1) No person shall operate a seal fishery or a seal net, or shall hunt for seals by means of guns, sticks, rods or otherwise except under permit from the Minister.

Fisheries Act—continued

(2) The fee for a permit to operate a seal fishery or use a seal net is ten dollars.

(3) The fee for a permit to operate a seal net known as a shoal net is ten cents for each fathom of net used.

(4) The fee for a permit to operate a seal trawl at the Magdalen Islands is one dollar.

Sturgeon

53. (1) No person shall fish for, catch or kill sturgeon except with gill-nets, hoop-nets, weirs or night lines.

(2) The fee for a sturgeon gill-net licence is at the rate of ten cents per fathom of net used.

(3) The fee for a sturgeon hoop-net is two dollars for the first one and one dollar for each additional one.

(4) The fee for a sturgeon night-line is two dollars for the first one hundred hooks and fifty cents for each additional one hundred hooks or fraction thereof.

(5) Except in Lake Abitibi district, no person shall fish for, catch or kill any sturgeon from the first to the thirty-first day of May, both days inclusive.

(6) No sturgeon less than thirty-six inches in length shall be retained, or kept out of the water, except in the river St. Lawrence where the minimum length of sturgeon caught and retained shall be twenty-eight inches and anyone who may accidentally take any sturgeon of less lengths than provided for herein shall immediately return such fish to the water.

Trout

54. (1) No person shall fish for, catch or kill any grey trout or lake trout from the first day of October in each year, to the third Tuesday of April following, both days inclusive; provided, however, that at any time of the year, such fishing through the ice is prohibited.

(2) No person shall fish for, catch or kill in any of the waters of the Province, in one day, by angling, a greater number of grey or lake trout than in the aggregate weigh more than thirty pounds, plus one fish, and no greater number than five grey or lake trout though such number weigh less than thirty pounds; and in no case shall anyone have in his possession, at any time, a greater number than one day's legal catch.

55. (1) No person shall fish for, catch or kill any speckled trout or sea trout (*salvelinus fontinalis*), or brown trout, or Quebec red trout from the first day of October to the third Tuesday of April following, both days inclusive; and at any time of the year, such fishing through the ice is prohibited.

(2) Except in tidal waters no person shall at any time fish for, catch or kill speckled trout by other means than angling.

(3) The fee for a licence to fish for trout with a net in tidal waters is one dollar.

(4) The mesh of a trout net shall not be less than two inches, extension measure, when in use, provided that sea trout nets shall have meshes not less and not more than three inches, extension measure, when in use.

Fisheries Act—continued

56. (1) No person shall fish for, catch or kill any rainbow trout from the first day of October to the fifteenth day of June following both days inclusive.

(2) No rainbow trout less than ten inches in length shall be retained or kept out of water, but any person who takes such fish shall immediately return it to the water.

(3) No person shall fish for, catch or kill in any of the waters of the Province, in one day, by angling, a greater number of rainbow trout than in the aggregate weigh more than fifteen pounds, plus one fish, but in no case shall the number taken in one day exceed five such fish nor shall any one have in his possession at any time more than one day's legal catch.

57. Except as herein otherwise provided, no person shall fish for, catch or kill in any of the waters of the Province, in one day, by angling, a greater number of speckled trout or sea trout than in the aggregate weigh more than fifteen pounds, plus one trout, and no greater number than forty speckled trout or sea trout although said number weigh less than fifteen pounds, and no one shall have in his possession at any time a greater number or quantity than one day's legal catch.

58. No person shall fish for, catch or kill in any of the waters of the county of Brome, in one day by angling or shall carry away a greater number of trout than in the aggregate weigh ten pounds, or no greater number than thirty, though the said number weigh less than ten pounds.

59. No speckled trout (*salvelinus fontinalis*), sea trout or Quebec red trout, that is less than seven inches in length, measured from the tip of the snout to the posterior edge of the tail, shall be retained or kept out of the water, and any person who catches or takes such trout of less length than the minimum measurement named, shall return it to the water.

60. No person shall fish for, catch or kill any rainbow trout in Sugar-bush, Green, Benjamin, Tricorne and Three Point Lakes in Papineau county, from the sixteenth day of October to the fourteenth day of June following, both days inclusive.

61. No person shall fish for, catch or kill any rainbow trout in Lake Memphremagog from the first day of October to the thirtieth day of April following, both days inclusive.

62. No person shall fish for, catch or kill any rainbow trout in the tributaries of Lake Memphremagog from the first day of October to the fifteenth day of May following, both days inclusive.

63. No person shall fish for, catch or kill in any of the waters of the Province, in one day, by angling, a greater number of Quebec red trout than in the aggregate weigh more than fifteen pounds, plus one such fish; and no greater number than ten Quebec red trout though such number weigh less than fifteen pounds; and no person shall have in his possession, at any time, a greater number than one day's legal catch.

64. No brown trout that is less than ten inches in length measured from the tip of the snout to the posterior edge of the tail, shall be retained or kept out of water, and any person who catches or takes any brown trout less than ten inches in length shall return it to the water.

Fisheries Act—continued

65. No person shall fish for, catch or kill in any of the waters of the Province in one day, by angling, a greater number of brown trout than in the aggregate shall weigh more than fifteen pounds, plus one such fish, and no greater number than ten brown trout, though said number weigh less than fifteen pounds, and no one shall have in his possession, at any time, a greater number than one day's legal catch.

66. In the waters of the south shore of the St. Lawrence River, west of the county of Bellechasse, no person shall fish for, catch or kill in one day, by angling, a greater number of speckled trout (*salvelinus fontinalis*) than in the aggregate weigh more than fifteen pounds, plus one trout, and no greater number than twenty-five speckled trout although said number weigh less than fifteen pounds and no person shall have in his possession at any time a greater number than one day's legal catch.

67. Fishing for trout of any kind through the ice in Lake Manitou, Terrebonne county is prohibited.

68. No person shall export speckled trout, sea trout, brown trout, rainbow trout or Quebec red trout, no matter where procured, but any non-resident fishing in the waters of the Province under a licence or permit from the provincial authorities may, upon leaving the Province, take away the lawful catch of one day's fishing but not to exceed a total weight of fifteen pounds.

Whitefish

69. Except as herein otherwise provided, no person shall fish for, catch or kill any whitefish from the tenth to the thirtieth day of November both days inclusive.

70. On Baker Lake

- (a) no person shall fish for, catch or kill whitefish except with gill-nets;
- (b) the length of a whitefish gill-net shall not exceed thirty-five fathoms, and the mesh thereof shall be not less than three inches extension measure, when in use; the width of the net shall not be more than six feet;
- (c) no person shall fish for, catch or kill whitefish from the first day of October to the fourteenth day of May following, both days inclusive;
- (d) the use of nets for the capture of fish other than whitefish is not permitted;
- (e) whitefish gill-nets shall be so set that the cork-lines thereof remain floating on the surface of the water;
- (f) the use of gill-nets is permitted on Thursday only of each week during the fishing season;
- (g) only permanent residents owning or renting land fronting the lake are eligible for permission to fish with nets therein, and then only one person in each family is eligible;
- (h) nets shall not be set or operated in water that is less than eight feet deep, nor shall any net be set nearer to another than fifty fathoms; and
- (i) when trout are caught in a whitefish gill-net they shall be returned to the water.

Fisheries Act—continued*Striped Bass (Roccus saxatilis)*

71. (1) Except as herein otherwise provided, no person shall fish for, catch or kill any striped bass from the first day of December to the thirty-first day of May following, both days inclusive.

(2) No striped bass that is less than twelve inches in length, measured from the tip of the snout to the posterior edge of the tail shall be retained or kept out of the water; a person who takes any such striped bass shall return it immediately to the water.

(6) Ontario Fishery Regulations

P.C. 1954-160

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of February, 1954

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Ontario Fishery Regulations established by Order in Council P.C. 5694 of 8th November, 1949, as amended, are hereby revoked; and

2. The annexed "Ontario Fishery Regulations" are hereby made and established in substitution for the regulations hereby revoked.

FISHERY REGULATIONS FOR THE PROVINCE OF ONTARIO*Short Title*

These regulations may be cited as the *Ontario Fishery Regulations*.

Interpretation

1. In these regulations,
 - (a) "angling" means taking or attempting to take fish by means of a hook and line held in the hand, or a hook and line and a rod held in the hand, and includes casting and trolling but not taking or attempting to take fish by means of set lines, and "angle" and "angler" have corresponding meanings;
 - (b) "bait" means minnows and any fish other than game fish, yellow pickerel, pike, lake trout or whitefish, or other than any species of lamprey in any stage of development;
 - (c) "bull-net" means a gill-net having a depth or a vertical width greater than thirty-six meshes;
 - (d) "closed season" means a specified period during which specified fish shall not be taken;

Fisheries Act—continued

- (e) "coarse fish" means,—
 - (i) any member of the gar family *Lepisosteidae*;
 - (ii) bowfin or dogfish (*Amia calva* Linnaeus);
 - (iii) bullhead, catfish, or any member of the family *Ameiuridae*;
 - (iv) burbot or ling (*Lota lota masculosa* LeSueur);
 - (v) carp (*Cyprinus carpio* Linnaeus), or any member of the family *Cyprinidae*;
 - (vi) eel (*Anguilla bostoniensis* LeSueur);
 - (vii) mullet, sucker, or any member of the family *Catostomidae*;
 - (viii) sheepshead (*Aplodinotus grunniens* Rafinesque); and
 - (ix) smelt (*Osmerus mordax* Mitchill);
- (f) "commercial fish" means fish other than game fish;
- (g) "commercial fishing" means the taking for sale of fish other than game fish, by means of any hook-line, trolling line, spear, minnow-trap, dip-net, gill-net, hop-net, pound-net, seine-net, or trap-net, when authorized by licence;
- (h) "crappie" includes black crappie, calico bass, speckled bass, or white crappie;
- (i) "Department" means the Department of Lands and Forests of Ontario;
- (j) "dressed sturgeon" means a sturgeon from which the head, tail and entrails have been removed;
- (k) "extension measure" means the distance between the extreme angles of a single mesh, measured with a metal rule authorized by the Minister, inside and between the knots after the twine has been saturated in water and extended until taut but without strain thereon, and without breaking the twine, slipping a knot or bending the metal rule;
- (l) "game fish" means,—
 - (i) smallmouth black bass (*Micropterus dolomieu dolomieu*, Lacepede);
 - (ii) largemouth black bass (*Micropterus salmoides*, Lacepede);
 - (iii) maskinonge (*Esox masquinongy masquinongy*, Mitchill);
 - (iv) Atlantic salmon (*Salmo salar salar*, Linnaeus);
 - (v) ouananiche (*Salmo salar ouananiche*, Jordan and Evermann);
 - (vi) aurora trout (*Salvelinus timagamiensis*, Henn and Rinkensbach);
 - (vii) brown trout (*Salmo trutta fario*, Linnaeus);
 - (viii) Kamloops trout (*Salmo kamloops*, Jordan);
 - (ix) rainbow trout or steelhead trout, (*Salmo gairdnerii* Richardson, *irideus* Gibbons); and
 - (x) speckled trout (*Salvelinus fontinalis*, Mitchill);
- (m) "lake trout" (*Cristivomer namaycush*, Walbaum) includes common lake trout, Great Lake trout, grey trout, Mackinaw trout and siscowet;

Fisheries Act—continued

- (n) “licence” means an instrument issued under *The Game and Fisheries Act* (Ontario), or the regulations thereunder, conferring upon the holder the privilege to do the things set forth in it subject to the conditions, limitations and restrictions contained in it and the Act, the regulations thereunder and these regulations, but no licence shall be or operate as a lease;
- (o) “Minister” means the Minister of Lands and Forests for Ontario;
- (p) “non-resident” means any person who has not actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under these regulations;
- (q) “officer” means,—
 - (i) any conservation officer of the Department;
 - (ii) any member of the Ontario Provincial Police Force; and
 - (iii) any other person authorized by the Minister to assist in the administration and enforcement of *The Game and Fisheries Act* (Ontario), the regulations thereunder, or these regulations;
- (r) “open season” means a specified period during which specified fish may be taken;
- (s) “organized camp” means a camp in Ontario occupied by at least ten boys or ten girls under the age of twenty-one years and in the charge of an adult;
- (t) “person” includes Indian and a firm or body corporate;
- (u) “pike” (*Esox lucius*, Linnaeus) includes northern pike, great northern pike, and grass pike;
- (v) “resident” means any person who has actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under these regulations;
- (w) “snagger” means an instrument made of a rigid or semi-rigid material with one or more hooks attached in such a manner that each is immovable and inflexible;
- (x) “snagging” means fishing for, attempting to fish for, catching or killing a fish with a hook or hooks or any instrument manipulated in such a manner as to pierce or hook a fish in any part of the body other than the mouth;
- (y) “snare” means any instrument used for taking or attempting to take fish, other than trolling line, hook and line, hook and line and a rod, hook-line, dip-net, gill-net, hoop-net, minnow-trap, pound-net, seine-net, spear, or trap-net, and “snaring” has a corresponding meaning;
- (z) “total length” means the distance from the tip of the head with the jaws closed to the tip of the tail with the lobes compressed so as to give the maximum possible measurement; and
- (za) “yellow pickerel” (*Stizostedion vitreum*, Mitchill) includes dore, pikeperch, walleye pike, and yellow pike.

Fisheries Act—continued

General

2. (1) Except under a licence or as permitted under subsections (2) and (5) or under section 4, no person shall,—
- (a) spear or attempt to spear fish; or
 - (b) fish or attempt to fish by any means other than angling.
- (2) Subject to subsections (3) and (4), a resident may, during the months of April and May,—
- (a) between sunrise and sunset take coarse fish without a licence by means of a spear, or a dip-net, the dimensions of which are not more than
 - (i) six feet by six feet where the dip-net is rectangular; or
 - (ii) six feet in diameter where the dip-net is circular;
 but the fish shall not be sold or bartered; or
 - (b) take smelt at any time without a licence by means of a dip-net, the dimensions of which are not more than
 - (i) three feet by three feet where the dip-net is rectangular; or
 - (ii) three feet in diameter where the dip-net is circular.
- (3) No person shall take coarse fish or smelt in
- (a) the county of Durham, Northumberland, Peterborough or Victoria;
 - (b) the waters of
 - (i) the Trent River or Lake Scugog;
 - (ii) Dalrymple Lake, (also known as Mud Lake), in the county of Ontario;
 - (iii) Beaver Creek, Crow Lake, or Crow River in the county of Hastings; or
 - (iv) the Rideau River between Hog's Back dam and the Ottawa River in the county of Carleton; or
 - (c) waters set apart under *The Game and Fisheries Act* (Ontario), or the regulations thereunder.
- (4) No person shall use a spear for the taking of coarse fish and smelt or have a spear in his possession on any fishing waters or within fifty feet of the water's edge thereof in
- (a) the county of Dufferin, Ontario, Simcoe or York; or
 - (b) the township of Morrison in the territorial district of Muskoka.
- (5) A resident may, during the months of March and April, between sunrise and sunset, take pike and coarse fish without a licence by means of a spear in
- (a) that part of the county of Kent lying south of the King's Highway Number 3, but excluding the waters of Rondeau Provincial Park; and
 - (b) that part of the county of Essex lying south or south-west of the King's Highway Number 3.

Bait

3. (1) No person shall use or have in his possession
- (a) any live carp, goldfish, perch or smelt, except in or for use in the waters from which such carp, goldfish, perch or smelt was originally taken; or
 - (b) any species of lamprey in any stage of development;
- for the purpose of taking or attempting to take fish.

Fisheries Act—continued

(2) Except under a commercial dip-net licence for bait, a commercial seine-net licence for bait, or a commercial minnow-trap licence, no person

- (a) from and including the 1st of November to and including the 31st of March next following shall take or have in his possession bait weighing in the aggregate more than forty pounds; and
- (b) from and including the 1st of April to and including the 31st of October in any year shall have in his possession bait in excess of fifty fish.

(3) Except under a commercial dip-net licence for bait, a commercial seine-net licence for bait, or a commercial minnow-trap licence, no person shall sell, barter, or offer for sale or barter, any bait.

(4) No person shall liberate any live bait into any waters other than those from which they were originally taken.

4. (1) No person, without a licence, shall use more than one dip-net the dimensions of which are not more than

- (a) three feet by three feet where the dip-net is rectangular; or
- (b) three feet in diameter where the dip-net is circular;

to take bait for personal use.

(2) No person without a licence, shall use more than one minnow-trap

- (a) the length of which is not more than twenty inches;
- (b) the diameter of which is not more than twelve inches; and
- (c) having cone-shaped ends;

to take bait for personal use.

5. Any person under the authority of a licence to take bait for personal use may use

- (a) one minnow seine-net the dimensions of which are not more than thirty feet by six feet;
- (b) one dip-net the dimensions of which are not more than six feet by six feet where the dip-net is rectangular; or
- (c) one dip-net the dimensions of which are not more than six feet in diameter where the dip-net is circular;

to take bait for personal use.

Angling Licences

6. Licences to angle are as follows:

- (a) Non-resident angling licence;
- (b) Angling licence for a resident of Manitoba;
- (c) Non-resident angling licence for a member of an organized camp;
- (d) Resident angling licence for provincial parks; and
- (e) Resident angling licence for a member of an organized camp in a provincial park.

7. No person shall hold more than one angling licence in any year.

8. (1) No non-resident of the age of seventeen years or over shall angle except under a non-resident angling licence, or an angling licence for a resident of Manitoba.

(2) No non-resident of the age of seventeen years or over shall angle unless at that time he has on his person a non-resident angling licence, or an angling licence for a resident of Manitoba.

Fisheries Act—continued

9. (1) A non-resident under the age of seventeen years may angle without a licence but only when accompanied by a member of his family who holds a non-resident angling licence, or an angling licence for a resident of Manitoba.

(2) Fish taken by a non-resident under the age of seventeen years in accordance with subsection (1) shall be included in the catch of the holder of the non-resident angling licence, or the angling licence for a resident of Manitoba.

10. A non-resident angling licence for a member of an organized camp shall not be issued until at least ten members of the camp each apply for and pay the prescribed fee for such a licence.

11. (1) No resident of the age of seventeen years or over shall angle in any provincial park except under a resident angling licence for provincial parks.

(2) No resident of the age of seventeen years or over shall angle in any provincial park unless at that time he has on his person a resident angling licence for provincial parks.

12. (1) A resident under the age of seventeen years may angle in provincial parks without a licence but only when accompanied by a member of his family who holds a resident angling licence for provincial parks.

(2) Fish taken in a provincial park by a resident under the age of seventeen years, in accordance with subsection (1) shall be included in the catch of the holder of the resident angling licence for provincial parks.

13. A resident angling licence for a member of an organized camp in a provincial park shall not be issued until at least ten members of the camp each apply for and pay the prescribed fee for such a licence.

14. (1) In angling no person shall use more than one fishing line to which is attached not more than four hooks, but where artificial lures are used three hooks in a gang shall be deemed to be one hook.

(2) No person shall take or attempt to take fish by means of unbaited hooks but unbaited hooks may be used to land any fish that is taken by angling or other lawful means.

(3) Subsection (2) shall not apply in the case of any artificial lure when it is used in angling.

(4) Subject to subsections (2) and (3), and to subsections (2) and (5) of section 2, no person shall,—

(a) fish with or attempt to fish with; or

(b) on any waters, or within fifty feet of the water's edge thereof be in possession of;

any baited or unbaited snagger or snare, or any other device capable of snagging or snaring fish.

Black Bass

15. (1) Except by angling, no person shall fish for, take or attempt to take largemouth or smallmouth black bass.

(2) Subject to subsections (3) and (4), no person shall fish for, take or attempt to take, largemouth or smallmouth black bass from and including the sixteenth of October to and including the thirtieth of June next following.

Fisheries Act—continued

(3) From and including the sixteenth of December to and including the twenty-fourth of June next following, no person shall fish for, take or attempt to take, largemouth or smallmouth black bass in the St. Clair River, Lake St. Clair, and the Detroit River.

(4) From and including the sixteenth of December to and including the thirtieth of June next following, no person shall fish for, take or attempt to take largemouth or smallmouth black bass in Lake Erie, and in the Niagara River between Lake Erie and Niagara Falls.

16. (1) No person shall retain, keep out of the water, or have in his possession without lawful excuse any largemouth or smallmouth black bass less than a total of eleven inches.

(2) Where a person takes or catches a largemouth or smallmouth black bass less than the total length specified in subsection (1), he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

17. (1) No person shall fish for, take or attempt to take, in one day by angling more than six largemouth or six smallmouth black bass, or any combination of six thereof.

(2) No person shall have in his possession at any time more than six largemouth or six smallmouth black bass, or any combination of six thereof.

18. (1) Subject to subsection (2), no person shall export or take from Ontario any largemouth or smallmouth black bass.

(2) The holder of a non-resident angling licence or an angling licence for a resident of Manitoba may export or take from Ontario not more than six largemouth or six smallmouth black bass, or any combination of six thereof, that have been taken by angling under the authority of the licence.

(3) The licensee shall detach from his licence the proper shipping coupon and shall attach it or cause it to be attached to the parcel in which the black bass are shipped.

White Bass

19. (1) Except for white bass taken by angling no person shall retain, keep out of water, or have in his possession without lawful excuse, any white bass less than a total length of nine inches.

(2) Where a person takes or catches, other than by angling, a white bass less than the total length mentioned in subsection (1), he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

Partition of Ontario into Divisions

20. (1) For the purposes of sections 21, 34, 41, 45 and 74 the waters of Ontario excluding Lake Superior, Lake Huron including North Channel and Georgian Bay, Lake Erie, Lake Ontario, St. Mary River, Lake George, Munuscong Lake, Potagannissing Bay, the stretch of water between Drummond and Cockburn Islands, St. Clair River, Lake St. Clair, Detroit River, Niagara River, and St. Lawrence River including Lake St. Francis, are grouped into the three Divisions mentioned in subsections (2), (3) and (4).

Fisheries Act—continued

(2) Division 1 comprises the French River, Lake Nipissing, the Mattawa River, Trout Lake, Lake Talon, and the waters lying within the islands in these waters.

(3) Division 2 comprises the waters lying within

(a) the townships of Bertram, Latchford, Falconer, Loudon, McPherson, Caldwell, Springer, Pedley, Beaucage, Commanda, Widdifield, Phelps, Orlig and Mattawan, and the townships lying north thereof, in the territorial district of Nipissing; and

(b) the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Rainy River, Sudbury, Thunder Bay and Timiskaming;

excepting therefrom any part of the water comprising Division 1 and the waters excluded in subsection (1).

(4) Division 3 comprises the waters of Ontario other than those in Division 1 and Division 2 and the waters excluded in subsection (1).

Maskinonge

21. (1) Except by angling, no person shall fish for, take or attempt to take maskinonge.

(2) No person shall fish for, take or attempt to take maskinonge

(a) from and including the sixteenth of October to and including the nineteenth of June next following

(i) in Division 1 or Division 2;

(ii) in Lake Superior, North Channel or Lake Huron, St. Mary River, Lake George, Munuscong Lake, Potagannissing Bay, or the stretch of water between Drummond and Cockburn islands; or

(iii) in that part of Georgian Bay lying north of a line drawn from the northern extremity of Fitzwilliam Island in a north-easterly direction in a straight line to a point on the southerly shore of the westerly channel of the French River where it is intersected by the production southerly of the easterly limit of the township of Travers, or

(b) from and including the sixteenth of October to and including the thirtieth of June next following

(i) in Division 3;

(ii) in Lake Huron, Lake Ontario, the Niagara River from Niagara Falls to Lake Ontario, or the St. Lawrence River; or

(iii) in that part of Georgian Bay of Lake Huron lying south of a line drawn from the northerly extremity of Fitzwilliam Island in a north-easterly direction in a straight line to a point on the southerly shore of the westerly channel of the French River where it is intersected by the production southerly of the easterly limit of the Township of Travers;

(c) from and including the sixteenth of December to and including the twenty-fourth of June next following, in the St. Clair River, Lake St. Clair or the Detroit River;

(d) from and including the sixteenth of December to and including the thirtieth of June next following, in Lake Erie, or the Niagara River from Lake Erie to Niagara Falls.

Fisheries Act—continued

22. (1) No person shall retain, keep out of the water or have in his possession without lawful excuse a maskinonge less than a total length of thirty inches.

(2) Where a person takes or catches a maskinonge less than the total length mentioned in subsection (1), he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

23. (1) No person shall fish for, take or attempt to take in one day by angling more than two maskinonge.

(2) No person shall have more than two maskinonge in his possession at any time.

24. (1) Subject to subsection (2), no person shall export or take from Ontario any maskinonge.

(2) The holder of a non-resident angling licence or an angling licence for a resident of Manitoba may export or take from Ontario not more than two maskinonge which have been taken by angling under the authority of the licence.

(3) The licensee shall detach from his licence the proper shipping coupon and shall attach it or cause it to be attached to the parcel in which the maskinonge are shipped.

Trout other than Lake Trout

25. (1) Except by angling, no person shall fish for, take or attempt to take aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout.

(2) No person shall fish for, take or attempt to take aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout

(a) from and including the sixteenth of September to and including the thirtieth of April next following, when that thirtieth of April is a Tuesday, Wednesday, Thursday or Friday; or

(b) from and including the sixteenth of September to and including the Friday immediately preceding the thirtieth of April next following, when that thirtieth of April is a Saturday, Sunday or Monday.

26. (1) No person shall retain, keep out of the water or have in his possession without lawful excuse an aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout less than a total length of seven inches.

(2) Where a person takes or catches an aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout less than the total length mentioned in subsection (1), he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

27. (1) No person shall fish for, take or attempt to take in one day by angling more than five aurora trout, five brown trout, five Kamloops trout and five rainbow trout.

(2) No person shall have more than five aurora trout, five brown trout, five Kamloops trout and five rainbow trout in his possession at any time.

Fisheries Act—continued

28. (1) Subject to subsection (2) no person shall fish for, take or attempt to take in one day by angling more than one speckled trout and such additional number of speckled trout not in excess of fourteen, but such additional number in the aggregate shall not weigh more than ten pounds.

(2) No person shall fish for, take or attempt to take in the county of Norfolk in one day by angling more than one speckled trout and such additional number of speckled trout not in excess of nine, but such additional number in the aggregate shall not weigh more than five pounds.

(3) No person shall have in his possession at any time more speckled trout than may be taken in one day under subsection (1).

29. (1) Subject to subsection (2) no person shall export or take from Ontario any aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout.

(2) The holder of a non-resident angling licence or an angling licence for a resident of Manitoba may export or take from Ontario, not more than five aurora trout, five brown trout, five Kamloops trout, five rainbow trout, and not more speckled trout than may be taken in one day under subsection (1) of section 28, which have been taken by angling under the authority of the licence.

(3) The licensee shall detach from his licence the proper shipping coupon and shall attach it or cause it to be attached to the parcel in which the trout are shipped.

Ouananiche and Atlantic Salmon

30. (1) Except by angling, no person shall fish for, take or attempt to take ouananiche or Atlantic salmon.

(2) No person shall fish for, take, or attempt to take ouananiche or Atlantic salmon

(a) from and including the sixteenth of October to and including the thirtieth of April next following, when that thirtieth of April is a Tuesday, Wednesday, Thursday or Friday; or

(b) from and including the sixteenth of October to and including the Friday immediately preceding the thirtieth of April next following, when that thirtieth of April is a Saturday, Sunday or Monday.

31. (1) No person shall fish for, take or attempt to take in one day by angling more than one ouananiche and one Atlantic salmon.

(2) Any person angling for ouananiche or Atlantic salmon shall retain the first ouananiche or Atlantic salmon taken or caught by him regardless of the size thereof.

(3) No person shall have more than one ouananiche and one Atlantic salmon in his possession at any time.

32. (1) Subject to subsection (2), no person shall export or take from Ontario any ouananiche or Atlantic salmon.

(2) The holder of a non-resident angling licence or an angling licence for a resident of Manitoba may export or take from Ontario not more than one ouananiche and one Atlantic salmon, which have been taken by angling under the authority of the licence.

Fisheries Act—continued

(3) The licensee shall detach from his licence the proper shipping coupon and shall attach it or cause it to be attached to the parcel in which the ouananiche or the Atlantic salmon are shipped.

Yellow Pickerel and Pike

33. (1) Subject to subsection (2), there is no closed season for yellow pickerel or pike in Lake Superior, Lake Huron, including North Channel and Georgian Bay, Lake Erie, Lake Ontario, St. Mary River, Lake George, Munuscong Lake, Potagannissing Bay, the stretch of water between Drummond and Cockburn islands, the St. Clair River, Lake St. Clair, the Detroit River, and the Niagara River.

(2) No person shall fish for, take or attempt to take yellow pickerel in the Bay of Quinte

(a) from and including the first of January to and including the fourteenth of May in any year when that fourteenth of May is a Tuesday, Wednesday, Thursday or Friday; or

(b) from and including the first of April to and including the Friday immediately preceding the fourteenth of May in any year when that fourteenth of May is a Saturday, Sunday or Monday.

(3) Subject to subsections (4) and (5), no person shall fish for, take or attempt to take yellow pickerel or pike in the St. Lawrence River

(a) from and including the second of March to and including the thirtieth of April in any year when that thirtieth of April is a Tuesday, Wednesday, Thursday or Friday; or

(b) from and including the second of March to and including the Friday immediately preceding the thirtieth of April in any year when the fourteenth of May is a Saturday, Sunday, or Monday.

(4) No person shall fish for, take or attempt to take yellow pickerel in the expansion of the St. Lawrence River known as Lake St. Francis

(a) from and including the sixteenth of November to and including the fourteenth of May next following when that fourteenth of May is a Tuesday, Wednesday, Thursday or Friday; or

(b) from and including the sixteenth of November to and including the Friday immediately preceding the fourteenth of May next following when that fourteenth of May is a Saturday, Sunday or Monday.

(5) There is no closed season for pike in the expansion of the St. Lawrence River known as Lake St. Francis.

34. (1) No person shall fish for, take or attempt to take yellow pickerel in Division 1 or Division 3

(a) from and including the first of January to and including the fourteenth of May in any year when that fourteenth of May is a Tuesday, Wednesday, Thursday or Friday; or

(b) from and including the first of January to and including the Friday immediately preceding the fourteenth of May in any year when the fourteenth of May is a Saturday, Sunday or Monday.

(2) Subject to subsections (3), (4) and (5), no person shall fish for, take or attempt to take yellow pickerel in Division 2

(a) from and including the fifteenth of April to and including the twenty-third of May in any year when that twenty-third of May is a Tuesday, Wednesday, Thursday or Friday; or

Fisheries Act—continued

(b) from and including the fifteenth of April to and including the Friday immediately preceding the twenty-third of May in any year when that twenty-third of May is a Saturday, Sunday or Monday.

(3) From and including the fifth of April to and including the fourteenth of May in any year, no person shall, under a commercial fishing licence, fish for, catch or kill yellow pickerel in Namakan Lake or Rainy Lake in the territorial district of Rainy River.

(4) Subject to subsection (3), no person shall fish for, catch or kill yellow pickerel in the territorial districts of Kenora and Rainy River under a commercial fishing licence from and including the fifteenth of April to and including the thirty-first of May in any year.

(5) From and including the fifteenth of April to and including the fourteenth of May in any year, no person shall fish for, take or attempt to take by angling, yellow pickerel in

(a) the Canadian portion of the boundary waters other than Lake Superior, lying between the main shore of the State of Minnesota in the United States of America and the main shore of the Province of Ontario; and

(b) the territorial districts of Kenora and Rainy River.

(6) No person shall fish for, take or attempt to take pike in Division 1 or Division 3

(a) from and including the first of April to and including the fourteenth of May in any year when that fourteenth of May is a Tuesday, Wednesday, Thursday or Friday; or

(b) from and including the first of April to and including the Friday immediately preceding the fourteenth of May in any year when that fourteenth of May is a Saturday, Sunday or Monday.

35. (1) No person shall retain, keep out of the water or have in his possession without lawful excuse a yellow pickerel from Lake Erie less than a total length of fourteen inches, and from other waters less than a total length of fifteen inches.

(2) No person shall retain, keep out of the water or have in his possession without lawful excuse a pike from Lake Consecon in the county of Prince Edward less than a total length of twenty-two inches.

(3) Where a person takes or catches a yellow pickerel or pike less than the total length mentioned in subsection (1) or (2), he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

36. (1) No person shall fish for, take or attempt to take in one day by angling more than six yellow pickerel and six pike.

(2) No person shall have in his possession at any time more than six yellow pickerel and six pike taken by angling.

37. (1) Subject to subsection (2), no person shall export or take from Ontario any yellow pickerel or pike taken by angling.

(2) The holder of a non-resident angling licence or an angling licence for a resident of Manitoba may export or take from Ontario not more than six yellow pickerel and six pike that have been taken by angling under the authority of the licence.

Fisheries Act—continued

(3) The licensee shall detach from his licence the proper shipping coupon and shall attach it or cause it to be attached to the parcel in which the yellow pickerel or pike are shipped.

Blue Pickerel

38. (1) No person shall retain, keep out of the water or have in his possession without lawful excuse a blue pickerel less than a total length of eleven inches.

(2) Where a person takes or catches a blue pickerel less than the total length mentioned in subsection (1), he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

39. (1) No person shall fish for, take or attempt to take in one day by angling more than ten blue pickerel.

(2) No person shall have in his possession at any time more than ten blue pickerel taken by angling.

40. (1) Subject to subsection (2), no person shall export or take from Ontario any blue pickerel taken by angling.

(2) The holder of a non-resident angling licence or an angling licence for a resident of Manitoba may export or take from Ontario not more than ten blue pickerel which have been taken by angling under the authority of the licence.

(3) The licensee shall detach from his licence the proper shipping coupon and shall attach it or cause it to be attached to the parcel in which the blue pickerel are shipped.

Lake Trout

41. (1) There is no closed season for lake trout in Lake Superior, Lake Huron, including North Channel and Georgian Bay, Lake Erie, Lake Ontario, St. Mary River, Lake George, Munuscong Lake, Potagannissing Bay, the stretch of water between Drummond and Cockburn islands, the St. Clair River, Lake St. Clair, the Detroit River, the Niagara River, and the St. Lawrence River.

(2) Subject to subsections (3) and (4), and to section 60 no person shall fish for, take or attempt to take lake trout in Division 1 or Division 2 from and including the twenty-fifth of September to and including the thirty-first of December in any year.

(3) Subject to subsection (4) and to section 60 no person shall fish for, take or attempt to take lake trout except by angling from and including the twenty-fifth of September to and including the thirty-first of October in any year in the territorial districts of Kenora, Rainy River and Thunder Bay.

(4) No person shall fish for, take or attempt to take lake trout from and including the twenty-fifth of September to and including the thirty-first of December in any year, in the Canadian portion of the boundary waters lying between the main shore of the State of Minnesota in the United States of America and the main shore of the Province of Ontario, saving and excepting therefrom the waters of Lake Superior and those waters of Lake of the Woods lying northerly of the line described in Schedule 1.

Fisheries Act—continued

(5) No person shall fish for, take or attempt to take lake trout from and including the sixth of October to and including the fifth of November in any year, in Division 3, excepting therefrom the provisional county of Haliburton.

(6) No person shall fish for, take, or attempt to take lake trout in the provisional county of Haliburton

(a) from and including the sixth of October to and including the thirtieth of April next following when that thirtieth of April is a Tuesday, Wednesday, Thursday or Friday; or

(b) from and including the sixth of October to and including the Friday immediately preceding the thirtieth of April next following when that thirtieth of April is a Saturday, Sunday or Monday.

42. (1) Except for lake trout taken by angling, no person shall retain, keep out of the water or have in his possession without lawful excuse any lake trout weighing less than two pounds.

(2) Where a person takes or catches other than by angling a lake trout weighing less than two pounds, he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

43. (1) No person shall fish for, take or attempt to take by angling more than five lake trout in one day.

(2) No person shall have in his possession at any time more than five lake trout taken by angling.

44. (1) Subject to subsection (2), no person shall export or take from Ontario any lake trout taken by angling.

(2) The holder of a non-resident angling licence or an angling licence for a resident of Manitoba, may export or take from Ontario not more than five lake trout which have been taken by angling under the authority of the licence.

(3) The licensee shall detach from his licence the proper shipping coupon and shall attach it or cause it to be attached to the parcel in which the lake trout are shipped.

Whitefish

45. (1) There is no closed season for whitefish in Lake Superior, Lake Huron, including North Channel and Georgian Bay, Lake Erie, Lake Ontario, St. Mary River, Lake George, Munuscong Lake, Potagannissing Bay, the stretch of water between Drummond and Cockburn islands, the St. Clair River, Lake St. Clair, the Detroit River, the Niagara River, and the St. Lawrence River.

(2) Subject to subsections (3) and (4), and to section 60 no person shall fish for, take or attempt to take whitefish

(a) in Division 1 or Division 2 from the fifth of October to the thirty-first of October in any year, both inclusive; and

(b) in Division 3 from and including the sixth of October to and including the fifth of November in any year.

Fisheries Act—continued

(3) Subject to section 60 no person shall fish for, take or attempt to take whitefish in the territorial districts of Cochrane and Thunder Bay from and including the twenty-fifth of September to and including the twentieth of October in any year.

(4) No person shall fish for, take or attempt to take whitefish

(a) in the territorial districts of Kenora and Rainy River, from and including the twenty-fifth of October to and including the fifteenth of November in any year; and

(b) in Lake Nipissing from and including the fifteenth of October to and including the fifteenth of November in any year.

46. (1) Except for whitefish taken by angling, no person shall retain, keep out of the water or have in his possession without lawful excuse any whitefish weighing less than

(a) (i) one and three-quarter pounds round weight; or

(ii) one and one-half pounds dressed weight;
when taken from Lake Nipigon; or

(b) (i) two pounds round weight; or

(ii) one and three-quarter pounds dressed weight;
when taken from other waters.

(2) Where a person takes or catches a whitefish other than by angling that is less than the round weights mentioned in subsection (1), he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

(3) In this section “dressed weight” means the weight of any whitefish after the removal of the entrails and gills, and “round weight” means the weight of any whitefish before the removal of the entrails and gills.

Sturgeon

47. (1) There is no closed season for sturgeon in Lake Superior, Lake Huron, including North Channel and Georgian Bay, Lake Erie, Lake Ontario, St. Mary River, Lake George, Munuscong Lake, Potagannissing Bay, the stretch of water between Drummond and Cockburn islands, the St. Clair River, Lake St. Clair, the Detroit River, the Niagara River, and the St. Lawrence River.

(2) Subject to subsection (1), no person shall fish for, take or attempt to take any sturgeon from the first of June to the thirtieth of June, both inclusive in any year.

48. (1) Except for sturgeon taken by angling, no person shall retain, keep out of the water or have in his possession without lawful excuse any sturgeon taken

(a) from the waters of Lake St. Francis or the Ottawa River less than twenty-three inches in length; or

(b) from waters other than those mentioned in paragraph (a) less than twenty-five inches in length,

measured from the most posterior limit of the gill opening to the point where the posterior edge of the dorsal fin joins the flesh of the body.

(2) Where a person takes or catches any sturgeon less than the length mentioned in subsection (1) he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

Fisheries Act—continued

49. (1) Except for sturgeon taken by angling, no person shall have in his possession any dressed sturgeon which is less than

- (a) twenty-one inches where the sturgeon is taken from the waters of Lake St. Francis or the Ottawa River; or
- (b) twenty-three inches where the sturgeon is taken from waters other than those mentioned in paragraph (a).

(2) The lengths referred to in subsection (1) shall be measured from the mid-lateral point of the anterior cut edge of the skin to a point where the posterior edge of the dorsal fin joins the flesh of the body.

50. (1) Subject to subsection (2) no person shall have in his possession any dressed sturgeon

- (a) that is not in one piece; or
- (b) from which the dorsal fin has been removed.

(2) Subsection (1) does not apply when the dressed sturgeon has been prepared for immediate human consumption or for immediate canning.

51. (1) No person shall fish for, take or attempt to take in one day by angling more than one sturgeon.

(2) Any person angling for sturgeon shall retain the first sturgeon taken or caught by him regardless of the size thereof.

(3) No person shall have in his possession at any time more than one sturgeon taken by angling.

52. (1) Subject to subsection (2), no person shall export or take from Ontario any sturgeon taken by angling.

(2) The holder of a non-resident angling licence or an angling licence for a resident of Manitoba may export or take from Ontario not more than one sturgeon which has been taken by angling under the authority of the licence.

(3) The licensee shall detach from his licence the proper shipping coupon, and shall attach it or cause it to be attached to the parcel in which the sturgeon are shipped.

Perch

53. (1) Subject to subsection (3), no person shall retain, keep out of the water or have in his possession without lawful excuse any perch less than a total length of nine inches.

(2) Subject to subsection (3), where a person takes or catches any perch less than the total length mentioned in subsection (1), he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

(3) Subsections (1) and (2) do not apply where any perch has been taken or caught by angling from waters other than those mentioned in subsection (2) of section 54.

54. (1) No person shall fish for, take or attempt to take in one day by angling more than ten perch from Lake Mindemoya in the territorial district of Manitoulin.

Fisheries Act—continued

(2) No person shall fish for, take or attempt to take in one day by angling more than thirty-five perch from that portion of the St. Lawrence River extending easterly from and including Robideaux Bay in the township of Cornwall in the county of Stormont to the inter-provincial boundary between Ontario and Quebec, including Lake St. Francis, and the tributaries to these waters east of the westerly limit thereof and lying in the township of Cornwall in the county of Stormont and the townships of Charlottenburg and Lancaster in the county of Glengarry.

(3) No person shall have in his possession at any time more than

(a) ten perch where the perch are taken by angling from the waters mentioned in subsection (1); or

(b) thirty-five perch where the perch are taken by angling from the waters mentioned in subsection (2).

55. (1) Subject to subsection (2), no person shall export or take from Ontario any perch taken by angling.

(2) The holder of a non-resident angling licence or an angling licence for a resident of Manitoba may export or take from Ontario not more than thirty-five perch which have been taken by angling under the authority of the licence and of which not more than ten have been taken from Lake Mindemoya in the territorial district of Manitoulin.

(3) The licensee shall detach from his licence the proper shipping coupon, and shall attach it or cause it to be attached to the parcel in which the perch are shipped.

Crappies

56. No person shall fish for, take or attempt to take in one day by angling more than twenty crappies.

57. No person shall have in his possession at any time more than twenty crappies taken by angling.

58. (1) Subject to subsection (2), no person shall export or take from Ontario crappies taken by angling.

(2) The holder of a non-resident angling licence or an angling licence for a resident of Manitoba may export or take from Ontario not more than twenty crappies which have been taken by angling under the authority of the licence.

(3) The licensee shall detach from his licence the proper shipping coupon, and shall attach it or cause it to be attached to the parcel in which the crappies are shipped.

Ciscoes or Herring from Lake Erie

59. (1) Subject to subsection (3) no person shall retain, keep out of the water or have in his possession without lawful excuse any ciscoe or herring taken from Lake Erie that weighs less than eight ounces.

(2) Subject to subsection (3) where a person takes or catches a ciscoe or herring in Lake Erie weighing less than eight ounces, he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

(3) Subsections (1) and (2) do not apply where the ciscoe or herring was taken or caught by angling.

Fisheries Act—continued

Closed Season in Lake Nipigon for Commercial Fishing

60. Commercial fishing in Lake Nipigon is prohibited from and including the fifth of October to and including the thirty-first of October in any year.

Closed Season in Certain Areas

61. (1) Notwithstanding anything in these regulations, and subject to subsection (2), no person shall fish for, take or attempt to take any fish from and including the sixteenth of October to and including the thirtieth of June next following, in

- (a) the county of Durham, Northumberland, Peterborough or Victoria;
- (b) Trout River or Lake Scugog;
- (c) Dalrymple Lake (also known as Mud Lake), in the county of Ontario; or
- (d) Beaver Creek, Crow Lake or the Crow River in the county of Hastings.

(2) Subsection (1) does not apply

- (a) to angling with live bait from an anchored boat, or to angling from the shore for fish in respect of which there is an open season,
 - (i) from and including the fifteenth of May when that fifteenth of May is a Wednesday, Thursday, Friday or Saturday, to and including the thirtieth of June next following, or
 - (ii) from and including the Saturday immediately preceding fifteenth of May when that fifteenth of May is a Sunday, Monday or Tuesday, to and including the thirtieth of June next following; or
- (b) to angling for brown trout, rainbow trout or speckled trout in the county of Durham, Northumberland, Peterborough or Victoria during the open season in waters not inhabited by black bass or maskinonge.

Artificial Lights

62. No person shall use artificial lights for the taking of fish.

Use of Dynamite

63. No person shall use dynamite or other explosive material

- (a) for the taking or destruction of fish; or
- (b) in a manner which might cause the unnecessary destruction of fish.

Anglers Accompanied by Guides

64. The number or quantity of fish that may be taken by one or more anglers accompanied by one or more guides is restricted to the number or quantity that may be taken by such angler or anglers under these regulations.

Importation and Transfer of Fish

65. (1) No person shall, except with the written consent of the Minister or any officer authorized by him,

- (a) import or bring into Ontario for the purpose of placing in any of the waters thereof any live fish including bait; or
- (b) transfer any fish from any body of water to another body of water within Ontario.

Fisheries Act—continued

- (2) No person shall
 - (a) import or bring into Ontario; or
 - (b) transfer from one body of water to another body of water within Ontario;

any lamprey in any stage of development.

Exporting of Fish

66 (1) No holder of a non-resident angling licence or an angling licence for a resident of Manitoba shall export or take from Ontario fish taken under the authority of that licence that are so skinned or cut up as to make it impossible

- (a) to identify the species of any fish;
- (b) to determine the total length of any fish; or
- (c) to determine the number of fish;

being exported or taken away.

(2) Except with the written consent of the Minister, or any officer authorized by him, no person shall export or take from Ontario live fish, including bait, taken by any means.

Licences Other than Angling Licences

67. (1) Fishing licences other than angling licences include

- (a) Gill-net licence to take fish for personal use;
- (b) Gill-net licences for each of the following:
 - (i) Lake Nipigon;
 - (ii) Lake Erie; and
 - (iii) Waters other than Lake Nipigon and Lake Erie;
- (c) Carp gill-net licence;
- (d) Lake Erie pound-net or trap-net licence;
- (e) Pound-net licences for each of the following:
 - (i) Lake Nipigon;
 - (ii) Lake Nipissing;
 - (iii) Lake St. Clair; and
 - (iv) Waters other than Lake Erie, Lake Nipigon, Lake Nipissing and Lake St. Clair;
- (f) Hoop-net licence;
- (g) Commercial trolling licence;
- (h) Licences to use hooks for each of the following:
 - (i) The Ottawa River;
 - (ii) Lake St. Clair; and
 - (iii) Waters other than the Ottawa River and Lake St. Clair;
 - (iv) Sturgeon in waters other than the Ottawa River and Lake St. Clair; and
 - (v) Lake trout;
- (i) Dip-net licence for coarse fish;
- (j) Machine-lift dip-net licence for the Niagara River;
- (k) Seine-net licence;
- (l) Commercial seine-net licence for smelts;
- (m) Resident licence to take smelts for personal use;
- (n) Non-resident licence to take smelts for personal use;
- (o) Commercial minnow-trap licence;
- (p) Commercial seine-net licence for bait; and
- (q) Commercial dip-net licence for bait.

Fisheries Act—continued

(2) A licence under paragraphs (a) to (l), both inclusive, of subsection (1) shall be issued only to a resident of Ontario at least sixteen years of age.

(3) A licence under paragraphs (o), (p) and (q) of subsection (1) shall be issued only to a person at least sixteen years of age.

(4) The Minister or any officer authorized by him may in any fishing licence specified in subsection (1) designate the waters for which the licence is valid.

General Conditions Applicable to Commercial Fishing

68. No person shall fish for, take or attempt to take any fish by means of a gill-net, other than a carp gill-net, pound-net or trap-net

(a) at any time in Hay Bay in the Bay of Quinte;

(b) at any time in that portion of the Bay of Quinte lying west of a line drawn from Miller Point to Horse Point in the county of Prince Edward to the wharf of the Lehigh Cement Works in the county of Hastings;

(c) subject to paragraphs (a) and (b), before the first of October in each year in the Bay of Quinte, except in that portion lying east of a line drawn from the ferry-dock at Glenora in the county of Prince Edward to the ferry-dock at Cook Point in the county of Lennox and Addington; and

(d) at any time in that part of Georgian Bay of Lake Huron lying easterly of a line drawn from Sawlog Point to Whaleback Beacon, thence to Eshpadekong Island, thence to the easterly side of Pine Island, thence to Phillemore Rock, thence to Bass Group Islands, thence to Barbara Rock, thence to Campbell's Rock, thence to the most easterly end of Sandy Island, thence to the westerly side of Pancake Island, thence to the most westerly point of Franklin Island, thence to Twin Island, thence to Groundhog Island, thence to Hang Dog Point, thence to Champlain Island, thence to Tie Island, and thence to the mouth of the French River.

69. (1) Subject to subsection (2), no person shall set or place any net, other than a dip-net, hoop-net or minnow seine-net, in any river, stream or creek or within one thousand yards of the mouth thereof.

(2) Subsection (1) does not apply to the Ottawa River or Lake St. Francis during such period or periods that the Province of Quebec issues gill-net licences for those waters, or to the setting or placing of nets in any river, stream or creek for the purpose of taking carp or suckers.

70. No person who has set or placed in any water any net, trap or hooks for taking fish shall leave any such net, trap or hooks set in such manner or for such length of time as to allow any fish so taken to deteriorate or spoil.

General Conditions of Gill-net Licences

71. No person shall set or place a gill-net within one-half mile of a pound-net set by any other person.

72. (1) No holder of any gill-net licence other than a carp gill-net licence shall have in the water at any one time more than

(a) one thousand yards of gill-net in Presqu'île Bay of Lake Ontario;

(b) three thousand yards of gill-net in the Bay of Quinte or Weller Bay, of Lake Ontario;

Fisheries Act—continued

- (c) eighteen thousand yards of gill-net in Lake Ontario, other than Presqu'ile Bay, Bay of Quinte and Weller Bay;
- (d) twenty-four thousand yards of gill-net in Lake Nipigon;
- (e) thirty-six thousand yards of gill-net in that part of Lake Erie lying westerly of a line drawn south twenty-one degrees thirty minutes east astronomically, or approximately south sixteen degrees thirty minutes east magnetically from a point where the high water mark on the north shore of Lake Erie is intersected by the boundary between the counties of Elgin and Kent; or
- (f) sixty thousand yards of gill-net, in Lake Huron, including Georgian Bay and North Channel, or Lake Superior.

(2) In waters other than those mentioned in subsection (1) and other than that part of Lake Erie lying easterly of the line defined in paragraph (e) of subsection (1), no holder of any gill-net licence other than a carp gill-net licence, shall have in the water at any one time more than

- (a) two thousand yards of gill-net for taking sturgeon; or
- (b) four thousand yards of gill-net for taking fish other than sturgeon.

(3) No holder of a carp gill-net licence shall have in the water at any one time under that licence more than

- (a) fifteen hundred yards of gill-net where the gill-net is set under the ice; or
- (b) three thousand yards of gill-net where the gill-net is not set under the ice.

73. (1) Subject to subsection (2), no person shall use or attempt to use a bull-net.

(2) a bull-net having

- (a) a depth or vertical width of not more than fifty meshes; and
- (b) meshes the extension measure of which is not more than two inches;

may be used for the taking of smelts in accordance with subsection (1) of section 96.

Conditions of Gill-net Licences to Take Fish for Personal Use

74. (1) No holder of a gill-net licence to take fish for personal use shall under authority of that licence

- (a) have in the water at any one time more than thirty yards of gill-net;
- (b) fish for, take or attempt to take any fish by means of a gill-net the mesh of which is less than four and one-half inches extension measure; or
- (c) join any gill-net with any gill-net which is the property of any other person.

(2) No person taking fish under the authority of a gill-net licence to take fish for personal use shall sell or barter, or attempt to sell or barter the fish so taken.

(3) A gill-net licence to take fish for personal use shall be valid only in Division 2.

Fisheries Act—continued

Conditions of Lake Nipigon Gill-Net Licences

75. (1) No holder of a gill-net licence for Lake Nipigon shall set gill-nets

- (a) in that part of Kaiashk Bay (also known as Gull Bay) lying west of a straight line drawn from the easterly extremity of Nazoteka Point to Champlain Point;
- (b) in McIntyre Bay between the mainland and a straight line drawn from the Portage on the easterly shore to the southerly end of Piwabik Island and thence in a straight line to the north-west shore drawn through the most northerly point of Faribault Island;
- (c) within two miles of Virgin Falls;
- (d) in West Bay, Chief Bay, Ombabika Bay, Black Sturgeon Bay, waters lying south of Long Point in South Bay, and waters lying east of a straight line drawn from a point one mile west of Poplar Point to a point one mile west of High Hill Brook; or
- (e) in spawning grounds of speckled trout.

(2) No holder of a gill-net licence for Lake Nipigon authorized by that licence to use not more than one thousand yards of gill-net shall take more than an aggregate of four tons of yellow pickerel, sturgeon, lake trout and whitefish.

(3) No holder of a gill-net licence for Lake Nipigon authorized by that licence to use not more than twelve thousand yards of gill-net shall take more than an aggregate of twenty-five tons of yellow pickerel, sturgeon, lake trout and whitefish.

(4) No holder of a gill-net licence for Lake Nipigon authorized by that licence to use not more than twenty-four thousand yards of gill-net shall take more than an aggregate of fifty tons of yellow pickerel, sturgeon, lake trout and whitefish.

Condition of Lake Erie Gill-net Licences

76. A gill-net licence for Lake Erie shall not be valid from and including the first of January to and including the last day of February in any year.

Conditions of Pound-Net and Trap-Net Licences

77. (1) The Minister or any officer authorized by him may

- (a) in a Lake Erie pound-net or trap-net licence limit the number of pound-nets or trap-nets; or
- (b) in a pound-net licence
 - (i) limit the number of pound-nets; or
 - (ii) authorize the substitution of trap-nets for pound-nets;

that the licensee may have in the water at any time, but in no case shall the number of pound-nets exceed ten or the number of trap-nets exceed fifteen.

(2) No holder of a Lake Erie pound-net or trap-net licence or a pound-net licence shall have in the water at any one time more than the number of pound-nets or trap-nets authorized in the licence.

Fisheries Act—continued

78. (1) A Lake Erie pound-net or trap-net licence shall not be valid from and including the first of January to and including the last day of February in any year.

(2) A pound-net licence for Lake St. Clair shall not be valid from and including the twenty-first of May to and including the thirty-first of August in any year.

(3) No holder of a pound-net licence for Lake Nipissing shall take any yellow pickerel or pike under the authority of that licence.

79. (1) No person shall set two or more pound-nets or trap-nets in lineal order, unless there is a space clear of twine of not less than fifty feet from the pot of one net to the lead of another net.

(2) No person shall use or set any pound-net having more than a single pot.

Conditions of Hoop-Net Licences

80. (1) In this section "hoop-net" means

- (a) a single hoop-net having one pot, or
- (b) a double hoop-net having two pots.

(2) The holder of a hoop-net licence shall not set a hoop-net which has

- (a) more than one lead;
- (b) any lead more than one hundred and thirty-two feet in length;
- (c) other than straight wings;
- (d) any wing more than twelve feet in length;
- (e) any hoop more than six feet in diameter; or
- (f) any pot with more than five throats.

(3) No person shall set two or more hoop-nets in such a manner that the space clear of twine between each hoop-net is less than twenty feet.

(4) The Minister or any officer authorized by him may in a hoop-net licence limit the number of single or double hoop-nets that the licensee may have in the water at any one time but in no case shall the aggregate number of single or double hoop-nets exceed ten.

(5) Subject to subsection (6) no holder of a hoop-net licence shall have in the water at any one time more than the number of hoop-nets specified in the licence.

(6) The holder of a hoop-net licence for the Bay of Quinte under which he is authorized to have in the water any double hoop-net may convert any such net into two single hoop-nets but he shall not have in the water at any one time more than fifteen hoop-nets.

81. (1) A hoop-net licence is not valid

- (a) in the territorial districts of Kenora and Rainy River from and including the first of June to and including the seventh of September in any year; or
- (b) in waters other than waters in the territorial districts of Kenora and Rainy River from and including the thirteenth of May to and including the twentieth of September in any year.

(2) The holder of a hoop-net licence shall not take, by means of a hoop-net, any herring, pike, sturgeon, trout of any species, yellow pickerel or whitefish.

Fisheries Act—continued

Conditions of Commercial Trolling Licences

82. (1) A commercial trolling licence is not valid in any waters other than Lake Huron, including North Channel and Georgian Bay, Lake Superior and the expansion of the St. Lawrence River known as Lake St. Francis.

(2) A commercial trolling licence is valid only for taking

- (a) lake trout in Lake Huron, including North Channel and Georgian Bay, and Lake Superior; or
- (b) commercial fish in Lake St. Francis.

(3) No person trolling under the authority of a commercial trolling licence shall use

- (a) more than one boat;
- (b) more than two trolling lines; or
- (c) a trolling line having more than four hooks.

Conditions of Licences to Use Hooks

83. (1) A licence to use hooks for waters other than the Ottawa River and Lake St. Clair is not valid for taking any sturgeon or trout of any species.

(2) No holder of a licence mentioned in subsection (1) shall use more than

- (a) one line; or
- (b) one hundred and fifty hooks, or three hundred hooks, whichever is specified in the licence.

84 (1) A licence to use hooks for the Ottawa River is not valid for taking any yellow pickerel, pike or trout of any species.

(2) No holder of a licence mentioned in subsection (1) shall use more than

- (a) one line; or
- (b) three hundred hooks.

85. (1) A licence to use hooks for Lake St. Clair is not valid for taking any blue pickerel, yellow pickerel, pike or trout of any species.

(2) No holder of a licence mentioned in subsection (1) shall use more than

- (a) one line, two lines or three lines, whichever is specified in the licence; or
- (b) three hundred hooks on any one line.

(3) No person shall hold more than one licence mentioned in subsection (1).

86. (1) A licence to use hooks for lake trout is valid for Lake Huron, including Georgian Bay and North Channel, and Lake Superior, and for taking in these waters commercial fish other than perch, pike, yellow pickerel or sturgeon.

(2) No holder of a licence to use hooks for lake trout shall use more than

- (a) one line, or two lines, whichever is specified in the licence; or
- (b) eighteen hundred hooks on any one line.

Fisheries Act—continued

(3) The holder of a licence to use hooks for lake trout may under the authority of that licence use a gill-net to take bait but he shall not use more than five hundred yards of gill-net for each line specified in the licence.

(4) No person shall take bait under subsection (3) by means of a gill-net the mesh of which is less than one and one-half inches extension measure or more than two inches extension measure.

(5) No holder of a licence to use hooks for lake trout shall barter, sell or otherwise dispose of for any purpose, or have in his possession for any purpose other than for use as bait, any fish taken in any gill-net used under the authority of the licence.

87. (1) A licence to use hooks for sturgeon in waters other than the Ottawa River and Lake St. Clair is not valid for taking any fish other than sturgeon.

(2) No holder of the licence mentioned in subsection (1) shall use more than

- (a) one line or two lines whichever is specified in the licence; or
- (b) three hundred hooks on any one line.

Condition of Dip-Net Licences

88. (1) A dip-net licence for coarse fish shall not be valid for taking any fish other than coarse fish.

(2) A commercial dip-net licence for bait is not valid for taking any fish other than bait for sale to anglers.

- (3) No holder of a licence mentioned in subsection (1) or (2) shall use
- (a) more than one dip-net; or
 - (b) a dip-net the dimensions of which are more than ten feet by ten feet where the dip-net is rectangular; or
 - (c) a dip-net the dimensions of which are more than ten feet in diameter where the dip-net is circular.

Condition of a Machine-lift Dip-Net Licence for the Niagara River

89. A machine-lift dip-net licence for the Niagara River is not valid for taking any sturgeon.

Conditions of Seine-Net Licences

90. (1) The Minister or any officer authorized by him may in a seine-net licence limit the quantity of seine-net that the licensee may have in the water at any one time, but in no case shall the quantity exceed four hundred yards.

(2) No holder of a seine-net licence shall have in the water at any one time more than the quantity of seine-net specified in the licence.

91. (1) A seine-net licence is not valid

- (a) in Inner Long Point Bay in Lake Erie from and including the first of May to and including the seventh of September in any year, or
- (b) in the Thames River from and including the sixteenth of April to and including the thirtieth of August in any year.

(2) No holder of a seine-net licence shall take by means of a seine-net any herring, pike, sturgeon, trout of any species, yellow pickerel or whitefish.

Fisheries Act—continued

Condition of Commercial Seine-Net Licences for Smelts

92. No holder of a commercial seine-net licence for smelts shall have in the water

- (a) more than one hundred yards of seine-net at any one time; or
- (b) any seine-net the mesh of which is less than one and one-quarter inches extension measure.

Condition of Licences to Take Smelts for Personal Use

93. No holder of a resident licence to take smelts for personal use or a non-resident licence to take smelts for personal use shall have in the water at any one time

- (a) more than
 - (i) one seine-net; or
 - (ii) one dip-net;
- (b) a seine-net
 - (i) the dimensions of which are more than thirty feet by six feet; or
 - (ii) the mesh of which is less than one and one-quarter inches extension measure; or
- (c) a dip-net the dimensions of which are more than
 - (i) six feet by six feet where the dip-net is rectangular; or
 - (ii) six feet in diameter where the dip-net is circular.

Conditions of Commercial Seine-Net Licences for Bait

94. (1) A commercial seine-net licence for bait is not valid for taking any fish other than bait for sale to anglers.

- (2) No holder of a licence mentioned in subsection (1) shall use
 - (a) more than one seine-net; or
 - (b) a seine-net the dimensions of which are more than
 - (i) sixty feet by six feet; or
 - (ii) one hundred feet by eight feet;
 whichever is specified in the licence.

Conditions of Commercial Minnow-Trap Licences

95. (1) A commercial minnow-trap licence is not valid for taking any fish other than bait for sale to anglers.

(2) No holder of a licence mentioned in subsection (1) shall use a minnow-trap

- (a) the length of which is greater than twenty inches;
- (b) the diameter of which is greater than twelve inches; or
- (c) having other than cone-shaped ends.

Size of Mesh of Gill-Nets

96. (1) Subject to subsections (2) and (3), subsection (4) of section 67, and sections 69, 76, and 97, no person shall fish for, take or attempt to take any fish in respect of each of items 1 to 43, respectively, in Schedule 2,

- (a) in the waters designated in Column numbered 1;
- (b) in the depth of water specified in Column numbered 2;
- (c) of the species named in Column numbered 3; and

Fisheries Act—continued

(d) during the time or period specified in Column numbered 4; by means of any gill-net the mesh of which has an extension measure less than the minimum, or between the limits, or more than the maximum prescribed in Column numbered 5.

(2) In Georgian Bay of Lake Huron where the water is less than five fathoms deep any person holding a commercial gill-net licence authorizing him to fish in these waters may use a gill-net the mesh of which is less than $2\frac{1}{4}$ inches, extension measure, but is not less than $2\frac{1}{8}$ inches, extension measure, for taking ciscoes or herring for sale, barter or other disposition within Ontario.

(3) The Minister or any officer authorized by him may permit the use of any gill-net the mesh of which has an extension measure less than twelve inches but not less than ten inches for taking sturgeon in waters other than Lake Superior, Lake Huron, including North Channel and Georgian Bay, Lake Erie and Lake Ontario.

General Restrictions on Use of Gill-Nets

97. (1) No person shall use or attempt to use any gill-net in an area in which and at a time during which mature fish are not likely to be caught.

(2) No person in charge of or in control of any fishing boat or vessel, no owner of any fishing boat or vessel, or no holder of a commercial fishing licence, under the authority of which licence fishing operations are carried on from such fishing boat or vessel, shall have or permit to have on board such fishing boat or vessel any gill-net of a size of mesh extension measure the use of which is prohibited by section 96.

Underweight or Undersized Fish taken by Means Other than Angling

98. (1) Subject to subsection (2) and notwithstanding anything contained in these regulations, where a person takes fish by means other than angling he may retain a quantity of any underweight or undersized fish of any species not exceeding ten per cent of the total weight of that species taken at that time.

(2) Subsection (1) does not apply to sturgeon.

(3) No person shall sell or barter underweight or undersized fish taken by any means.

General Provisions

99. No person shall take any fish or spawn from Ontario waters for the purpose of stocking, artificial breeding or for scientific or educational purposes, except under the authority of a licence.

100. No person shall angle for any purpose within twenty-five yards of a pound-net.

101. (1) No person shall sell, offer for sale, purchase or barter or be concerned in the sale, purchase or barter of any Atlantic salmon, small-mouth black bass, largemouth black bass, maskinonge, ouananiche, speckled trout, brown trout, rainbow trout, Kamloops trout or aurora trout, but under a licence issued by the Minister any person who raises speckled trout, brown trout, rainbow trout, Kamloops trout or aurora trout for the purpose of stocking may sell for such purpose any such species so raised.

Fisheries Act—continued

(2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of yellow pickerel, pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a licence.

(3) No person shall buy, sell or possess any fish or portion of any fish taken from Ontario waters during a closed season for that fish under these regulations.

102. (1) No person shall set a net for the taking of fish to which there is not attached a buoy at each end.

(2) No person shall set a net or baited hook for the taking of fish to which there is not attached

(a) to each buoy, in the case of a net; or

(b) to each pole, in the case of a baited hook,

a wood or metal plate upon which the name of the owner of the net or baited hook is legibly marked and visible from the surface of the water.

(3) Where a net or baited hook is set in contravention of subsection (2), it shall be seized and if no claim for such net or baited hook is made by the owner thereof within two days from the date of seizure it shall be forfeited to and become the property of the Crown in right of Ontario and sold by the Department.

103. Where a seine net

(a) has been found in or near waters in which fishing by seines is permitted and is not claimed within two days by a person holding a licence to fish with a seine net; or

(b) has been found in or near waters in which fishing by a seine net is prohibited

it shall be seized and forfeited to and become the property of the Crown in right of Ontario and sold by the Department.

104. Where a fishery is in charge of any person other than the owner, either as occupant or servant, and any of the provisions of these regulations are violated by that person or by the owner, they shall be jointly and severally liable for any penalties incurred and all damages recoverable in respect to the violation.

105. No person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport, any fish caught, taken or killed within Ontario at a time or in a manner prohibited by these regulations.

106. In actions and prosecutions under these regulations with respect to

(a) taking, killing, procuring or possessing any fish or any part of such fish, the onus is upon the person charged to prove that the fish or any part of such fish was lawfully taken, killed, procured or possessed by him;

(b) setting a net, fishing device or other article, the finding of any of them set in violation of these regulations shall be *prima facie* evidence of the guilt of the person owning, possessing or operating any of them;

Fisheries Act—continued

- (c) making of returns by licensees, the production of a return made by a licensee shall be *prima facie* evidence of the making of such return and the contents thereof.

107. (1) The Minister in any licence may impose such terms and conditions as he deems proper and that are not inconsistent with these regulations.

(2) No holder of a licence shall violate the terms and conditions of his licence.

Closed Waters

108. Notwithstanding anything contained in these regulations, no one shall fish for, take or attempt to take fish at any time in the respective areas described in the several subsections of this section except under the authority of a special permit issued or caused to be issued by the Minister for the period or periods of time and upon such conditions as may be fixed by the Minister:

(1) All that portion of Lake Ontario and islands included within a circle having a radius of 2,000 yards the centre of which circle is on Becroft Point and distant 2,410 yards measured on a course south 12 degrees 35 minutes west astronomically from the intersection of the centre line of the allowance for road between concessions 1 and 2 in the township of Ameliasburg and the high water mark of Lake Ontario, having an area of approximately four square miles.

(2) All that portion of Lake Ontario, commencing at point distant two miles, measured south 16 degrees east astronomically and along the production of the line between lots 7 and 8 in the Broken Front concession of the township of East Whitby from its intersection with the high water mark of Lake Ontario, the said intersection being approximately one-half mile west of the west pier at the confluence of Oshawa Creek with Lake Ontario, thence north 80 degrees east astronomically a distance of fifty miles, thence south 10 degrees east astronomically a distance of fourteen miles, thence south 81 degrees, 43 minutes west astronomically fifty miles, more or less, to the intersection with a line drawn on a course south 10 degrees east from the point of commencement, and thence north 10 degrees west, twelve and one-half miles, more or less, to the point of commencement.

(3) All that portion of Lake Huron, commencing at a point distant eight and seven-eighths miles measured on a course north 78 degrees 48 minutes west astronomically from the intersection of the northerly limit of the allowance for road between lots 5 and 6 in the First concession of the township of Goderich with the high water mark of Lake Huron, thence south 11 degrees 52 minutes west astronomically a distance of thirty miles, thence north 78 degrees 8 minutes west, a distance of ten miles, thence north 11 degrees 52 minutes east astronomically, a distance of nine and three-quarter miles, more or less, to the International Boundary between Canada and the United States, thence northeasterly and northwesterly along the said International Boundary to its intersection with a line drawn on a course south 11 degrees 52 minutes west astronomically from a point distant ten miles measured on a course north 78 degrees 8 minutes west from the point of commencement, thence north 11 degrees 52 minutes east astronomically, a distance of nine and one-quarter miles, more or less, to the intersection with a line drawn on a course north 78 degrees 8 minutes

Fisheries Act—continued

west astronomically from the point of commencement, and thence south 78 degrees 8 minutes east astronomically a distance of ten miles, more or less, to the point of commencement.

109. No one shall fish for, catch, or kill fish at any time in the area hereinafter described,

All and singular that certain parcel or tract of land situate, lying and being in part in the township of South Marysburgh, county of Prince Edward, Province of Ontario, and in part in the waters of Lake Ontario, the said area being more particularly described as follows:

Commencing at the intersection of the centre line of the existing road between lots 3 and 4 in the first concession on Lake Ontario west of Point Traverse with the high water mark of Lake Ontario;

Thence south 60 degrees east a distance of 2.75 miles;

Thence south 46 degrees west a distance of 3.40 miles more or less to its intersection with a line drawn south 25 degrees east from the intersection of the side line between lots 9 and 10 in the First concession on Lake Ontario west of Point Traverse with the high water mark of Lake Ontario;

Thence north 25 degrees west a distance of 3.40 miles more or less to the intersection of the side line between lots 9 and 10 in the First concession on Lake Ontario west of Point Traverse with the high water mark of Lake Ontario;

Thence northeasterly along the high water mark of Lake Ontario to the place of commencement.

SCHEDULE 1

(See section 41, subsection 4)

Commencing at a point on the east shore of the Tug Channel of Lake of the Woods at the intersection with an imaginary line drawn east astronomically from a rock survey-post in a stone mound marked J.K. 153 on the west shore of the Tug Channel, the survey-post being approximately three-quarters of a mile south of the southern extremity of Coste Island; thence west astronomically across the Tug Channel to the survey-post in the stone mound marked J.K. 153; thence in a general northerly and westerly direction following the easterly and northerly shores of Falcon Island to a point in a line drawn south astronomically from a rock survey-post in a stone mound marked J.K. 149, being at the southwesterly extremity of Lily Island; thence north astronomically across Johnston Passage to the survey-post in the stone mound marked J.K. 149; thence northwesterly in a straight line on a course approximately north 50 degrees west, two and one-quarter miles more or less to a rock survey-post in a stone mound marked J.K. 125, being at the southwesterly extremity of a large island lying southwest of Royal Island; thence northwesterly in a straight line, one and one-quarter miles more or less to the northeasterly extremity of Separation Point on the Western Peninsula.

Fisheries Act—continued

SCHEDULE 2

(see Section 96, subsection 1)

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
1	Lake Superior and North Channel of Lake Huron	Any depth	Any species other than those indicated in this column in items 2 to 7, both inclusive, and in items 42 and 43	Any time	Minimum 3" Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
2	Lake Superior and North Channel of Lake Huron	8 fathoms or less	Perch	Any time	Minimum 2 $\frac{3}{4}$ " Limit 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
3	Lake Superior and North Channel of Lake Huron	More than 8 fathoms	Perch	Any time	Minimum 3" Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
4	Lake Superior and North Channel of Lake Huron	Any depth	Lake Trout, Pike, Yellow Pickerel, Whitefish	Any time	Minimum 4 $\frac{1}{2}$ "
5	Lake Superior and North Channel of Lake Huron	8 fathoms or less	Ciscoes, Herring	Any time	Minimum 2 $\frac{1}{4}$ " Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
6	Lake Superior and North Channel of Lake Huron	More than 8 fathoms but not more than 10 fathoms, or more than 50 fathoms.	Ciscoes, Herring	Any time	Minimum 2 $\frac{1}{2}$ " Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
7	Lake Superior and North Channel of Lake Huron	More than 10 fathoms but not more than 50 fathoms.	Ciscoes, Herring	Any time	Minimum 3" Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
8	Lake Huron including Georgian Bay but excepting North Channel	Any depth	Any species other than those indicated in this column in items 10 to 21, both inclusive, and in items 42 and 43	Up to and including December 31st, 1954.	Minimum 3" Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{4}$ "
9	Lake Huron including Georgian Bay but excepting North Channel	Any depth	Any species other than those indicated in this column in items 10 to 21, both inclusive, and in items 42 and 43	After 31st December, 1954	Minimum 3" Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
10	Lake Huron including Georgian Bay but excepting North Channel	8 fathoms or less	Perch	Up to and including 31st December, 1954	Minimum 2 $\frac{3}{4}$ " Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{4}$ "

Fisheries Act—continued

11	Lake Huron including Georgian Bay but excepting North Channel	8 fathoms or less	Perch	After 31st December, 1954	Minimum 2 $\frac{3}{4}$ " Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
12	Lake Huron including Georgian Bay but excepting North Channel	More than 8 fathoms	Perch	Up to and including 31st December, 1954	Minimum 3" Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{4}$ "
13	Lake Huron including Georgian Bay but excepting North Channel	More than 8 fathoms	Perch	After 31st December, 1954	Minimum 3" Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
14	Lake Huron including Georgian Bay but excepting North Channel	Any depth	Lake Trout, Pike, Yellow Pickerel, Whitefish	Up to and including 31st December, 1954	Minimum 4 $\frac{1}{4}$ "
15	Lake Huron including Georgian Bay but excepting North Channel	Any depth	Lake Trout, Pike, Yellow Pickerel, Whitefish	After 31st December, 1954	Minimum 4 $\frac{1}{2}$ "
16	Lake Huron including Georgian Bay but excepting North Channel	8 fathoms or less	Ciscoes, Herring	Up to and including 31st December, 1954	Minimum 2 $\frac{1}{4}$ " Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{4}$ "
17	Lake Huron including Georgian Bay but excepting North Channel	8 fathoms or less	Ciscoes, Herring	After 31st December, 1954	Minimum 2 $\frac{1}{4}$ " Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
18	Lake Huron including Georgian Bay but excepting North Channel	More than 8 fathoms but not more than 10 fathoms, or more than 50 fathoms	Ciscoes, Herring	Up to and including 31st December, 1954	Minimum 2 $\frac{1}{2}$ " Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{4}$ "
19	Lake Huron including Georgian Bay but excepting North Channel	More than 8 fathoms but not more than 10 fathoms, or more than 50 fathoms	Ciscoes, Herring	After 31st December, 1954	Minimum 2 $\frac{1}{2}$ " Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
20	Lake Huron including Georgian Bay but excepting North Channel	More than 10 fathoms but not more than 50 fathoms	Ciscoes, Herring	Up to and including 31st December, 1954	Minimum 3" Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{4}$ "
21	Lake Huron including Georgian Bay but excepting North Channel	More than 10 fathoms but not more than 50 fathoms	Ciscoes, Herring	After 31st December, 1954	Minimum 3" Limits 3 $\frac{1}{4}$ " and 4 $\frac{1}{2}$ "
22	Lake Erie	Any depth	Any species other than those indicated in this column in items 24 and 25, and in items 42 and 43	Up to and including 31st December, 1954	Minimum 2 $\frac{3}{4}$ " Limits 3 $\frac{1}{8}$ " and 4 $\frac{1}{2}$ "

Fisheries Act—continued

SCHEDULE 2—Concluded
(see Section 96, subsection 1)—Concluded

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
23	Lake Erie	Any depth	Any species other than those indicated in this column in items 24 and 25, and in items 42 and 43	After 31st December, 1954	Minimum $2\frac{3}{4}$ " Limits $3\frac{1}{8}$ " and $4\frac{3}{4}$ "
24	Lake Erie	Any depth	Lake Trout, Pike, Yellow Pickerel, Whitefish	Up to and including 31st December, 1954	Minimum $4\frac{1}{2}$ "
25	Lake Erie	Any depth	Lake Trout, Pike, Yellow Pickerel, Whitefish	After 31st December, 1954	Minimum $4\frac{3}{4}$ "
26	Lake Erie	Any depth	Smelts	During April in each year	Minimum $1\frac{1}{2}$ " Maximum 2"
27	Lake Ontario	8 fathoms or less	Any species other than those indicated in this column in items 29 to 32, both inclusive, and in items 42 and 43	Any time	Minimum $2\frac{3}{4}$ " Limits $3\frac{1}{4}$ " and $4\frac{1}{2}$ "
28	Lake Ontario	More than 8 fathoms	Any species other than those indicated in this column in items 29 to 32, both inclusive, and in items 42 and 43	Any time	Minimum 3" Limits $3\frac{1}{4}$ " and $4\frac{1}{2}$ "
29	Lake Ontario	Any depth	Lake Trout, Pike, Yellow Pickerel, Whitefish.	Any time	Minimum $4\frac{1}{2}$ "
30	Lake Ontario	More than 8 fathoms but not more than 25 fathoms	Ciscoes, Herring	Any time	Minimum 3" Limits $3\frac{1}{4}$ " and $4\frac{1}{2}$ "
31	Lake Ontario	8 fathoms or less, or more than 25 fathoms, but not more than 30 fathoms	Ciscoes, Herring	Any time	Minimum $2\frac{3}{4}$ " Limits $3\frac{1}{4}$ " and $4\frac{1}{2}$ "
32	Lake Ontario	More than 30 fathoms	Ciscoes, Herring	Any time	Minimum $2\frac{1}{2}$ " Limits $3\frac{1}{4}$ " and $4\frac{1}{2}$ "
33	Lake Ontario	Any depth	Smelts	Any time	Minimum $1\frac{1}{2}$ " Maximum 2"

Fisheries Act—continued

34	That part of Lake of the Woods lying south of the line described in Schedule 1	Any depth	Any species other than those indicated in this column in items 35, 42 and 43	Any time	Minimum 4½"
35	That part of Lake of the Woods lying south of the line described in Schedule 1	Any depth	Yellow Pickerel	Any time	Minimum 4½"
36	That part of Lake of the Woods lying north of the line described in Schedule 1	Any depth	Any species other than those indicated in this column in items 42 and 43	Any time	Minimum 4½"
37	Rainy Lake and Namakan Lake in the Territorial District of Rainy River	Any depth	Any species other than those indicated in this column in items 38, 42 and 43	Any time	Minimum 4½"
38	Rainy Lake and Namakan Lake in the Territorial District of Rainy River	Any depth	Yellow Pickerel	Up to and including 31st December, 1954	Minimum 3¾"
39	Rainy Lake and Namakan Lake in the Territorial District of Rainy River	Any depth	Yellow Pickerel	After 31st, December 1954	Minimum 4"
40	Any waters other than those mentioned in this column in items 1 to 39, both inclusive.	Any depth	Any species other than those indicated in this column in items 41 to 43, both inclusive	Any time	Minimum 4½"
41	Any waters other than those mentioned in this column in items 1 to 39, both inclusive	Any depth	Goldeyes	Any time	Minimum 3¾"
42	Any waters	Any depth	Sturgeon	Any time	Minimum 12"
43	Any waters	Any depth	Carp	Any time	Minimum 8"

Fisheries Act—continued

(7) Manitoba Fishery Regulations

P.C. 1954-1201

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of August, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Manitoba Fishery Regulations, established by Order in Council P.C. 5756 of 10th November, 1949, as amended, are hereby revoked; and

2. The annexed "Manitoba Fishery Regulations" are hereby made and established in substitution for the regulations hereby revoked.

MANITOBA FISHERY REGULATIONS

INTERPRETATION

1. (1) In these regulations,
 - (a) "angling" means taking or attempting to take fish by means of,
 - (i) a single line with not more than two hooks or two lures attached, the line being held in the hand or trailed from a boat but not fastened to any stationary object;
 - (ii) a single rod, with line and not more than two hooks or two lures attached, the rod being tended by the person angling;
 - (b) "bait" means minnows and any fish other than game fish, yellow pickerel, pike, lake trout or whitefish, or other than any species of lamprey in any stage of development;
 - (c) "coarse fish" or rough fish" means,
 - (i) bullhead, catfish or any member of the family *Ameiuridae*;
 - (ii) burbot or ling (*Lota lota maculosa*, LeSueur);
 - (iii) carp (*Cyprinus carpio*, Linnaeus), or any member of the family *Cyprinidae*; and
 - (iv) mullet, sucker or any member of the family *Catostomidae*;
 - (d) "commercial licence" includes a fishing vessel or skiff or any other licence which authorizes the licensee to catch fish for sale or barter or any other commercial purpose;
 - (e) "Department" means the Department of Mines and Natural Resources of the Province of Manitoba;
 - (f) "domestic licence" means a licence which authorizes fishing for the use of the licensee and his family but not for sale or barter;

Fisheries Act—continued

- (g) “extension measure when in use” means the distance between the extreme angles of a single mesh of a gill-net measured between and inside the knots after it has been saturated in water and extended with a weight of not more than eight ounces, and the application of such weight shall be made gradually and smoothly and without sudden strain, and the measurement so made shall be read immediately after the application of the said eight ounce weight;
- (h) “fishing” means fishing for or catching fish or attempting to catch fish by any method, and a person shall be deemed to be fishing within the meaning of these regulations when at, or in the vicinity of a fishery and in possession of any equipment which could be used for the catching of fish;
- (i) “fishing grounds” means any waters in the Province inhabited by species of fish taken in commercial fishing or in sport fishing operations;
- (j) “fishing station” means any building or place where fish are received from fishermen or packed, or received and packed;
- (k) “fishing vessel” means any boat that is used in fishing for, catching or taking fish for commercial purposes other than a skiff;
- (l) “game fish” means,
 - (i) smallmouth black bass (*Micropterus dolomieu dolomieu*, Lacepede);
 - (ii) largemouth black bass (*Micropterus salmoides*, Lacepede);
 - (iii) maskinonge (*Esox masquinongy masquinongy*, Mitchill);
 - (iv) brown trout (*Salmo trutta fario*, Linnaeus);
 - (v) Kamloops trout (*Salmo kamloops*, Jordan);
 - (vi) rainbow trout or steelhead trout (*Salmo Gairdnerii*, Richardson; *irideus*, Gibbons);
 - (vii) speckled trout (*Salvelinus fontinalis*, Mitchill);
 - (viii) lake trout (*Cristivomer namycush*, Walbaum); and
 - (ix) Arctic grayling (*Thymallus signifer*, Richardson);
- (m) “gill-net” means a net that catches fish by enmeshing them but which does not enclose an area of water;
- (n) “hung fish” means fish legally caught and used by being hung on racks or otherwise, to dry and be available for consumption during the winter months;
- (o) “Minister” means the Minister of Mines and Natural Resources of the Province of Manitoba;
- (p) “minnow” includes fishes of the minnow family, small fishes that are suitable for bait, and the young of fishes other than those fishes named in section 2;
- (q) “non-resident” means a person who has not resided, or a firm none of the partners of which has resided, or a corporation which has not had a place of business, in Manitoba for a period of six months preceding the date that residence becomes material under the provisions hereof;
- (r) “officer” means any inspector of fisheries, fishery officer, supervisor of commercial fishing, conservation officer employed by the Department, or any police constable, police officer and any other officer or person authorized to assist in the enforcement of the Fisheries Act and regulations made thereunder;

Fisheries Act—continued

- (s) “skiff” means a boat not exceeding twenty feet in length, manned by one man;
- (t) “snagger” means an instrument made of a rigid or semi-rigid material with one or more hooks attached;
- (u) “sturgeon fishing grounds” means any lake or river or other waters in which sturgeon exist naturally;
- (v) “sturgeon fishing station” means any building or place where sturgeon are received from fishermen or packed or received and packed or where sturgeon are landed and “dressed”;
- (w) the words “that ice makes” denote the conditions in which ice of sufficient thickness forms to permit safely fishing operations being carried on through the ice.

ANGLING**2. (1) Angling is prohibited except during the following season:**

- (a) For lake trout, speckled trout, brown trout, north of the fifty-third parallel of north latitude, excepting thereout Gods River, Island Lake River and Kanuchuan River, from the fifteenth day of April to the fifteenth day of September in each year, both days inclusive, and for Gods River, Island Lake River and Kanuchuan River, from the fifteenth day of May to the first day of September in each year, both days inclusive, and south of the fifty-third parallel of north latitude from the fifteenth day of April to the twenty-fourth day of September in each year, both days inclusive; angling for the aforesaid species of fish between the fifteenth day of April in each year and the Saturday that falls on or that is nearest to May 15th following shall be permitted only in lakes or streams designated trout waters by order of the Minister in writing;
- (b) For Arctic grayling from the sixteenth day of June to the thirty-first day of October in each year, both days inclusive;
- (c) For northern pike, pickerel, perch, sauger, goldeye and mooneye the season shall begin on the Saturday that falls on or that is nearest to and not more than three days before or after the fifteenth day of May in each year, and shall end on the thirty-first day of October in each year, both days inclusive;
- (d) For largemouth and smallmouth black bass north of the fifty-third parallel of north latitude from the fifteenth day of July to the thirty-first day of October next following, both days inclusive and south of the fifty-third parallel of north latitude from the first day of July to the thirty-first day of October next following, both days inclusive;
- (e) For maskinonge from July the first to October the thirty-first;
- (f) For rainbow trout from May the first to October the thirty-first;
- (g) Angling for sturgeon is prohibited at all times;
- (h) Winter angling is permitted from the eleventh day of November to the thirty-first day of March next following, both days inclusive, only in waters designated winter angling waters under the authority of an order of the Minister in writing;

Fisheries Act—continued

(2) No non-resident of the Province shall engage in angling at any time except under a licence issued by authority of the Minister, and no resident of the Province shall engage in angling during the winter angling season except under licence issued by the authority of the Minister; the fee for a winter angling licence is two dollars and fifty cents (\$2.50).

(3) An angling licence to non-residents may be issued,

(a) for an individual licence for the season except as provided in paragraph (c)\$5.50

(b) for a family licence for the 1954 season only\$8.00

(c) for an individual licence for the season to any *bona fide* resident of Canada\$3.25

(4) Every licensee shall carry his licence with him when engaged in angling and produce it at the request of any officer;

(5) An angling licence is not transferable and authorizes angling only by the person named therein.

Per Diem Catch

(6) No person shall in angling in any one day take or retain

(a) more maskinonge than two fish;

(b) more largemouth or smallmouth black bass than six fish;

(c) more lake trout than five fish;

(d) more speckled trout (eastern Brook) than five fish, except that in Gods River, Island Lake River and Kanuchuan River the daily take shall be not more than two speckled trout and the possession limit shall be not more than four speckled trout;

(e) more rainbow trout than five fish;

(f) more brown trout than five fish;

(g) more pickerel (wall-eyed pike) than eight fish;

(h) more sauger than ten fish;

(i) more Arctic grayling than six fish;

(j) more northern pike than eight fish;

(k) more goldeye or mooneye than six fish;

(l) more yellow perch than ten fish;

(m) more fish of any and all species than ten fish.

Possession and Export

(7) No person angling shall have in possession at any time more than twenty fish in the aggregate of any or all species, provided that no more than twice the per diem number of the species specified in paragraphs (a) to (l) of subsection six shall be included in the said twenty fish.

(8) A non-resident angler is permitted to export from the Province not more than the possession limit specified in subsection (7) but each such export shipment shall be accompanied by the shipping or export coupon detached from the licensee's non-resident angling licence.

(9) A non-resident angler is permitted to ship or export not more than the number of fish provided for in the shipping or export coupons attached to his angling licence.

(10) When the shipping or export coupon is detached from a non-resident angling licence the holder thereof shall be permitted to take or retain no more than a one day take of fish as stipulated in subsection (6).

Fisheries Act—continued*Size Limits*

(11) No maskinonge less than twenty-four inches in length, nor lake trout less than sixteen inches in length, nor pickerel (dore) less than fifteen inches in length, nor Arctic grayling less than eleven inches in length, nor speckled or brook trout, brown trout or rainbow trout less than eleven inches in length, shall be retained or kept out of the water, and anyone who takes or catches any such fish of less than the minimum measurement stated for that species, which measurement shall be from the point of the nose to the centre of the tail, shall return such fish to the water from which it was taken alive and if possible uninjured. (When handling under-sized fish care should be taken to have the hands wet otherwise the fish may not survive).

Order of the Minister

(12) The Minister by order in writing

(a) may designate

- (i) any lake, river or water in the Province not specifically named in these regulations as a lake, river or water for the natural or artificial propagation of fish;
- (ii) certain waters to be trout waters;

(b) may prohibit the use of boats propelled by electric, gasoline, oil or steam motive power for fishing in any lake, river or water not specifically named in these regulations;

(c) may authorize winter angling during the prescribed seasons and in accordance with these regulations in waters of the Province not specifically named in these regulations;

(d) may declare any of the waters of the Province not specifically named in these regulations to be closed for angling or domestic or commercial fishing;

(e) may amend or rescind any order made by him pursuant to this subsection;

(13) All orders of the Minister made pursuant to subsection (12) shall become effective forthwith upon publication in one issue of the *Manitoba Gazette*.

PROHIBITIONS

(14) No person shall

(a) fish in any lake, river or water designated by order of the Minister as a lake, river or water for the natural or artificial propagation of fish;

(b) use a boat, propelled by electric, gasoline, oil or steam motive power, for fishing in any lake, river or water in which such use is prohibited by order of the Minister;

(c) sell, trade, barter, purchase or offer to sell, trade, barter or purchase, for export from the Province, any fish caught by angling;

(d) angle with more than one rod and line or one line;

(e) angle with a rod and line having thereon more than two fish hooks or two lures, or angle with a line having thereon more than two fish hooks or two lures. (A double hook or a treble hook, or an artificial lure when used in angling in waters other than Gods River is deemed to be one hook);

Fisheries Act—continued

- (f) fish in Gods River with a lure or bait that has more than a single hook;
- (g) fish with or have possession of when fishing, any artificial light, mechanical bait, luminous bait, aromatic bait or aromatic substance;
- (h) fish with set lines unless in possession of a licence permitting use of set lines, issued by authority of the Minister;
- (i) use for bait when angling
 - (i) live minnows;
 - (ii) live fish of any other species;
 - (iii) live or dead fish of any of the species specified in paragraphs (a) to (l) of subsection (6);
- (j) have possession of live minnows or live small fish of any other species of fish at or in the vicinity of any fishing grounds, unless in possession of a licence to fish for minnows issued by authority of the Minister;
- (k) fish or attempt to fish by means other than those permitted by these regulations;
- (l) have possession of a snagger, snare or other device capable of snagging or snaring fish, at or in the vicinity of any fishing grounds.

(15) Notwithstanding anything contained in this section, an Indian who is a resident may angle at any time in waters not closed to angling, for such fish as are necessary for food for himself, his parents, his wife and children, or his or their dogs, but not for sale or barter.

DOMESTIC AND COMMERCIAL FISHING

3. (1) No person shall engage in fishing for domestic or commercial purposes or have nets in use for domestic or commercial purposes except under licence issued by authority of the Minister.

(2) No person other than a British subject who is a resident of the Province shall be eligible for a licence to engage in domestic or commercial fishing.

(3) A domestic fishing licence may be issued to any resident of the Province not in possession of a commercial fishing licence which except as otherwise provided in these regulations will entitle him or a member of his family to fish with not more than one hundred (100) yards of gill-net; fish caught under such licence shall be for the domestic use of the licensee and his family only and not for sale or barter and the fee for such licence is one dollar (\$1.00); the mesh of the gill-net used thereunder shall conform to the sizes prescribed for commercial fishing purposes during the season and in the waters in which such net is used except that in Lake Winnipeg south of the north boundary of Township 27 during the months of July and August in each year gill-nets of a mesh of not less than three inches extension measure when in use may be used.

(4) Domestic fishing under a domestic fishing licence is permitted only on Thursdays and Fridays during the period from the first day of June to the thirty-first day of October in each year both days inclusive, and no domestic fishing licences shall be issued permitting domestic fishing in that portion of the Winnipeg River extending from the eastern end of Natalie Lake in Township 14, Range 12, E.P.M., easterly to the Manitoba-Ontario boundary, including extensions of the said river known as Sylvia, Eleanor, Margaret, Dorothy and Nutimik Lakes.

Fisheries Act—continued

(5) A treaty Indian is eligible for a domestic fishing licence which shall be issued to him free of charge and which shall entitle him or a member of his family to fish with not more than one hundred yards of gill-net for domestic use of the licensee and his family only, but not for sale or barter; other provisions of these regulations to the contrary notwithstanding, fishing under such licence for necessary daily consumption for the licensee and his family may be carried on at any time, but no treaty Indian shall have in his possession at any one time more than one hundred pounds of fish taken under the authority of a domestic fishing licence, except where the fish is dried, hung or otherwise preserved for such person's use, or for use as food for his dogs; the mesh of the gill-net used by any treaty Indian thereunder shall conform to the sizes prescribed for commercial fishing purposes in the waters in which such net is used.

(6) Subject to subsection (5) no person fishing under a domestic fishing licence shall have in his possession at any one time a quantity greater than one hundred pounds in the aggregate of any or all species of fish.

(7) No person shall fish for or catch by means of a gill-net any speckled trout, rainbow trout, black bass or Arctic grayling, and no person shall fish in any waters set aside by the Minister for the natural or artificial propagation of fish.

LAKE WINNIPEG

4. (1) Fishing for commercial purposes in Lake Winnipeg is prohibited at any time

(a) in that portion of Limestone Bay and the lake lying to the west and north of a line drawn from the most southerly point of Limestone Point to the most northerly point of Eagle Island, thence south and west along the shoreline of Eagle Island to the most westerly point thereof, and thence west magnetic to the west shore of the lake;

(b) in the waters of the Saskatchewan River between the outlet of Cross Lake and Lake Winnipeg; and

(c) in that portion of Lake Winnipeg lying to the east of a straight line drawn from Pigeon Point to Flathead Point.

(2) Except as hereinafter provided, fishing for commercial purposes in Lake Winnipeg is prohibited.

Summer Fishing

(3) Summer fishing for whitefish for commercial purposes except as herein provided is permitted in that portion of Lake Winnipeg lying to the north of two straight lines, one drawn from the western tip of Catfish Point to the northeastern point of Commissioner Island and the other from the northwestern point of Commissioner Island to the northern tip of Lynx Point on the western shore of the said lake, but not including the area described in paragraph (a) of subsection (8), to a limit of three million (3,000,000) pounds of whitefish and one hundred and fifty thousand (150,000) pounds of pickerel caught in whitefish nets during the period that commences on the first Monday in June in each year and terminates on the last Saturday in July following, both days inclusive, and a summer fishing vessel licence authorizes the use of not more than five thousand (5,000) yards of gill-net, the mesh of which shall be not less than five and one-quarter inches nor greater than five and one-half inches extension measure when in use; the fee for such licence is fifty dollars (\$50.00).

Fisheries Act—continued

(4) Not more than one hundred and fifty fishing vessel licences shall be issued for summer fishing for whitefish in Lake Winnipeg in any one season and of the said number of licences not more than twenty-five licences shall be issued as joint licences.

(5) Not more than twenty-four thousand (24,000) pounds of whitefish and one thousand (1,000) pounds of pickerel caught in whitefish nets shall be taken under the authority of any such joint licence in any one season and not more than nineteen thousand and four hundred (19,400) pounds of whitefish and one thousand (1,000) pounds of pickerel caught in whitefish nets shall be taken under a full licence in any one season.

(6) Summer fishing for pickerel is permitted in the areas hereinafter specified from the first Monday in June in each year to the tenth day of July following, both days inclusive, but the licensee shall immediately terminate fishing operations when his individual limit of two thousand and five hundred (2,500) pounds of pickerel and whitefish taken in pickerel fishing operations is sooner caught.

(7) A summer pickerel fishing licence authorizes the use of a skiff with five hundred yards of gill-net, the mesh of which shall be not less than four and one-quarter inches nor greater than four and one-half inches extension measure when in use; the fee for such licence is five dollars (\$5.00) and such licence shall be issued only to *bona fide* residents of the respective areas.

(8) Summer pickerel fishing is permitted in the following described areas:

- (a) In Sturgeon Bay south of a straight line drawn from Bushkega Point to Clark Point on the west shore of the lake, but not more than thirty licences shall in any season be issued for this area;
- (b) In the Grand Rapids area in that portion of Lake Winnipeg west of a straight line drawn from the intersection of the north boundary of Township 47 and the west shore of the lake, to Woody Point;
- (c) In the Berens River area, east of a straight line drawn from Flathead Point to Barrel Rock, from thence to Sandy Bar, and from thence to Mossy Point in Township 42, Range 2, E.P.M.;
- (d) In the Poplar Point-Montreal Point area east of a straight line drawn from the most northwestern tip of Poplar Point to the western tip of Montreal Point;
- (e) In the Mossy Bay area north and east of a straight line drawn from the intersection of the eastern boundary of Township 56, Range 8, W.P.M. with the north shore of Lake Winnipeg to Big Mossy Point, thence in a straight line to Montreal Point on the east shore of the lake;
- (f) In that portion of Lake Winnipeg bounded on the north by a straight line drawn from Lynx Point to the most northwestern tip of Commissioner Island and from the most northeastern point of Commissioner Island to Catfish Point on the east shore of the lake, and on the south by a straight line drawn from the most northeasterly point of Grindstone Point to the intersection of the northern boundary of Township 27 and the east shoreline of the lake.

Fisheries Act—continued

(9) Summer fishing for pickerel and sunfish (Sheepshead) for commercial purposes is permitted in that portion of Lake Winnipeg situated south of a straight line drawn from the most northeasterly tip of Grindstone Point to the intersection of the north boundary of Township 27 and the east shoreline of the said lake, during the period that commences on the first Monday in June in each year and terminates on the last Saturday in July following, both days inclusive; a summer fishing licence for pickerel and sunfish (Sheepshead) authorizes the use of not more than one thousand five hundred (1,500) yards of gill-net the mesh of which shall not be less than five and one-quarter inches nor greater than five and one-half inches extension measure when in use, or not less than four and one-quarter inches nor greater than four and one-half inches extension measure when in use; the fee for such licence is ten dollars (\$10.00).

(10) Summer resort fishing for saugers and other species of fish is permitted in that portion of Lake Winnipeg described in subsection (9) during the period that commences on the first day of July in each year and terminates on the last day of August following, both days inclusive; a summer resort fishing licence authorizes the use of not more than five hundred (500) yards of gill-net the mesh of which shall be not less than three inches nor greater than three and one-quarter inches extension measure when in use; the fee for such licence is five dollars (\$5.00); summer resort fishing licences shall be issued only to approved operators who reside in the vicinity of summer resorts.

Fall Season

(11) Fall fishing for pickerel for commercial purposes, except as herein otherwise provided, is permitted during the period that commences on the tenth day of September in each year and terminates on the thirty-first day of October following, both days inclusive, in that portion of Lake Winnipeg lying to the south of a straight line drawn in a northeasterly direction from the extreme northern tip of Turnagain (Saskatchewan) Point to the most southerly point of Berens (Swampy) Island, thence in an easterly direction to the most westerly tip of Pigeon Point on the east shore of the said lake and to the north of the line hereinafter described:

Commencing at the most westerly tip of Rabbit Point on the east shore of the said lake to the most southerly point of the island approximately two miles southeasterly from Jackhead Island, thence in a straight line westerly to the intersection of the southern boundary of Indian Reserve No. 43 and the western shoreline of the said lake; a commercial fishing licence issued for the said area authorizes the use of not more than one thousand and five hundred (1,500) yards of gill-net, the mesh of which shall be not less than four and one-quarter inches nor greater than four and one-half inches extension measure when in use; the fee for such licence is fifteen dollars (\$15.00).

(12) Fishing for pickerel for commercial purposes is permitted during the period that commences on the tenth day of September in each year and terminates on the thirty-first day of October following, both days inclusive, and all that portion of Lake Winnipeg lying to the south of the area described in subsection (11); a fishing vessel licence authorizes the use of not more than five thousand (5,000) yards of gill-net and a skiff fishing licence authorizes the use of not more than one thousand and five hundred (1,500) yards of gill-net, the mesh of which shall be not less than three and three-quarters inches nor greater than four and one-quarter inches extension measure when in use; the fees for such licence are fifty dollars (\$50.00) and fifteen dollars (\$15.00), respectively.

Fisheries Act—continued*Winter Season*

(13) Winter fishing for whitefish for commercial purposes, except as herein otherwise provided, is permitted in that portion of Lake Winnipeg lying to the south of a straight line drawn from Catfish Point on the east shore to Cathead on the west shore during the period that commences on the first day that ice makes after the tenth day of November in each year and terminates on the second Saturday in March in the year next following, both days inclusive; a winter whitefish licence authorizes the use of not more than two thousand (2,000) yards of gill-net the mesh of which shall be not less than five and one-quarter inches nor greater than five and one-half inches extension measure when in use; the fee for such licence is twenty dollars (\$20.00), or as provided in subsection (4) of section 25.

(14) Winter fishing for pickerel for commercial purposes, except as herein otherwise provided, is permitted in that portion of Lake Winnipeg lying to the south of a straight line drawn in a northeasterly direction from the extreme northern tip of Turnagain (Saskatchewan) Point to the most southern point of Berens (Swampy) Island, thence to the most western tip of Pigeon Point on the east shore of the said lake, during the period that commences on the first day that ice makes after the tenth day of November in each year and terminates on the second Saturday in March in the year next following, both days inclusive; and in that portion of Sturgeon Bay south of a straight line drawn from Bushkega Point to Clark Point on the west shore during the period that commences on the first day of January in each year and terminates on the second Saturday in March following, both days inclusive; a winter pickerel licence authorizes the use of not more than two thousand (2,000) yards of gill-net the mesh of which shall be not less than four and one-quarter inches nor greater than four and one-half inches extension measure when in use; the fee for such licence is twenty dollars (\$20.00), or as provided in subsection (4) of section 25.

(15) Winter fishing for saugers for commercial purposes, except as herein otherwise provided, is permitted during the period that commences on the first day that ice makes after the tenth day of November in each year and terminates on the second Saturday in March in the year next following, both days inclusive, in that portion of Lake Winnipeg lying to the south of a straight line drawn in a northeasterly direction from the extreme northern tip of Turnagain (Saskatchewan) Point to the most southern point of Berens (Swampy) Island, thence to the most western tip of Pigeon Point on the east shore of the said lake; a winter sauger licence authorizes the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall be not less than three inches nor greater than three and one-quarter inches extension measure when in use; the fee for such licence is twenty dollars (\$20.00), or as provided in subsection (4) of section 25.

(16) Winter fishing for whitefish for commercial purposes is permitted in that portion of Lake Winnipeg lying to the south and west of a straight line drawn from the most easterly part of Long Point to Pony Island and thence westerly to the nearest point on the main shore from the first day of January in each year to the second Saturday in March next following, both days inclusive, to a limit of one hundred and seventy-five thousand (175,000) pounds of whitefish and pickerel taken in the whitefish operation; a winter whitefish licence for the said part of Lake Winnipeg authorizes the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall be not less than five and one-quarter inches nor greater than five

Fisheries Act—continued

and one-half inches extension measure when in use; the fee for such licence is twenty dollars (\$20.00), or as provided in subsection (4) of section 25; such licences shall be issued only to *bona fide* residents actually living in the Grand Rapids settlement or in the immediate vicinity thereof.

(17) Winter fishing for whitefish for commercial purposes is permitted in that portion of Lake Winnipeg described as follows: All that portion of Lake Winnipeg contained within the following limits, namely: Commencing at the eastern end of Long Point, thence southeasterly in a straight line to the most northerly point of Reindeer Island, thence southerly along the shoreline on the western side of the said island to its most southern point, thence westerly in a straight line to Morass Point, thence north-westerly, thence easterly along the shoreline of the said lake to the point of commencement, from the first day of January in each year to the second Saturday in March next following, both days inclusive, to a limit of four hundred thousand (400,000) pounds; a winter whitefish licence for the said portion of Lake Winnipeg authorizes the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall be not less than five and one-quarter inches nor greater than five and one-half inches extension measure when in use; but not more than sixty-five licences shall be issued in any one season for winter fishing for whitefish in that portion of Lake Winnipeg herein described; the fee for such licence is twenty dollars (\$20.00), or as provided in subsection (4) of section 25.

LAKE ST. MARTIN

5. (1) Fishing for commercial purposes is permitted in Lake St. Martin during the period that commences on the first day that ice makes after the fifteenth day of November in each year and terminates on the twenty-second day of February in the year next following, both days inclusive.

(2) A winter fishing licence authorizes the use of not more than one thousand and five hundred (1,500) yards of gill-net the mesh of which shall be not less than three and three-quarter inches nor greater than four and one-quarter inches extension measure when in use.

(3) Winter fishing licences shall be issued only to local residents who actually live in the immediate vicinity of Lake St. Martin.

(4) The fee for such licence is ten dollars (\$10.00), or as provided in subsection (5) of section 25.

LAKE WINNIPEGOSIS

6. (1) Except as hereinafter provided, fishing for commercial purposes in Lake Winnipegosis is prohibited.

Fall Fishing

(2) Fall fishing for pickerel for commercial purposes, except as herein otherwise provided, is permitted to a limit of one million and seventy-seven thousand (1,077,000) pounds of pickerel, goldeyes and whitefish caught in pickerel nets during the period that commences on the second last Monday in July in each year and terminates on the first Saturday in September following, both days inclusive.

Fisheries Act—continued

(3) A fall fishing vessel licence authorizes the use of not more than five thousand (5,000) yards of gill-net, and a fall skiff fishing licence authorizes the use of not more than one thousand and five hundred (1,500) yards of gill-net the mesh of which shall be not less than four inches nor greater than four and one-quarter inches extension measure when in use; the fees for such licences are forty dollars (\$40.00) and fifteen dollars (\$15.00), respectively.

(4) In any one fall fishing season not more than twenty thousand (20,000) pounds of pickerel, goldeyes, and whitefish shall be taken on an individual fall fishing vessel licence, not more than twenty-four thousand and five hundred (24,500) pounds of pickerel, goldeyes and whitefish shall be taken on a joint fishing vessel licence, not more than seven thousand (7,000) pounds of pickerel, goldeyes and whitefish shall be taken on a skiff fishing licence, and not more than the limit as set out in subsection (2) shall be permitted in the aggregate of limits of individual, joint and skiff licences issued in any one season.

Winter Season

(5) Fishing for commercial purposes is permitted to a limit of one million two hundred and fifty thousand (1,250,000) pounds in the aggregate of pickerel, saugers, perch, tullibee, whitefish and goldeyes during the period that commences on the first day that ice makes after the tenth day of November in each year and terminates on the fifteenth day of February in the year next following, both days inclusive; but the season shall close immediately if and when the limit so permitted is caught.

(6) A winter fishing licence authorizes the use of not more than four thousand (4,000) yards of gill-net the mesh of which shall be not less than four and one-quarter inches nor greater than four and one-half inches extension measure when in use; the fee for such licence is twenty dollars (\$20.00) or as provided in subsection (4) of section 25.

(7) Not more than two hundred and fifty (250) commercial fishing licences shall be issued in any one season and not more than one hundred (100) commercial fishing licences shall be Commercial Fishing Operator licences.

(8) Licences shall be issued only to local residents actually living in the immediate vicinity of Lake Winnipegosis and to those who have held a commercial fishing licence issued for Lake Winnipegosis during three consecutive years immediately prior to the winter fishing season for which the application is made.

WATERHEN LAKE

7. (1) Except as hereinafter provided, fishing for commercial purposes in Waterhen Lake is prohibited.

(2) Commercial fishing in Waterhen Lake is permitted in the winter season only commencing on the first day that ice makes after the tenth day of November in each year and terminating on the fifteenth day of February in the year next following, both days inclusive, and a winter licence shall authorize the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall be not less than four inches nor greater than four and one-quarter inches extension measure when in use; the fee for such licence is ten dollars (\$10.00) except as provided in subsection (5) of section 25, and such licence shall be issued only to local residents actually living in the immediate vicinity of the lake.

Fisheries Act—continued**LAKE MANITOBA**

8. (1) Except as hereinafter provided, fishing for commercial purposes in Lake Manitoba is prohibited.

(2) Fishing for commercial purposes is permitted to a limit of five million five hundred thousand (5,500,000) pounds in the aggregate of pickerel, saugers, perch and tullibee, during the period that commences on the first day that ice makes after the fifteenth day of November in each year and terminates on the twenty-second day of February in the year next following, both days inclusive, but the season shall close immediately if and when the said limit of five million five hundred thousand (5,500,000) pounds is caught.

(3) A winter fishing licence authorizes the use of not more than four thousand (4,000) yards of gill-net, and the fee for such licence is twenty dollars (\$20.00), or as provided in subsection (4) of section 25; the mesh of gill-net used in such fishing shall be not less than three and three-quarters inches nor greater than four inches extension measure when in use.

(4) Not more than nine hundred (900) commercial fishing licences shall be issued in any one season, and not more than three hundred (300) commercial fishing licences shall be Commercial Fishing Operator licences.

LAKE DAUPHIN

9. (1) Except as hereinafter provided fishing for commercial purposes is prohibited.

(2) Winter fishing for commercial purposes is permitted to a limit of three hundred thousand (300,000) pounds of all species of fish during the period that commences on the first day that ice makes after the fifteenth day of November in each year and terminates on the thirty-first day of January in the year next following, both days inclusive, but the season shall close immediately if and when the said limit of three hundred thousand (300,000) pounds is caught or taken.

(3) A winter fishing licence authorizes the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall be not less than four inches nor greater than four and one-quarter inches extension measure when in use; the fee for such licence is ten dollars (\$10.00), except as provided in subsection (5) of section 25.

(4) Not more than one hundred and fifty (150) licences shall be issued in any one season, and in the allotment of the said licences preference shall be given to persons who have held commercial fishing licences on Lake Dauphin for three or more consecutive years immediately prior to the season for which application for licence is being made.

RED RIVER

10. (1) Except as hereinafter provided fishing for commercial purposes is prohibited in the Red River.

(2) Fishing at any time or for any purpose other than angling is prohibited in those portions of the Red River

- (a) lying between the protection boom and the upper or south side of St. Andrews Locks;
- (b) within five hundred yards of the lower or northern side of St. Andrews Locks; and
- (c) from St. Andrews Locks to the International Boundary.

Fisheries Act—continued

Summer Fishing

(3) A sheepshead or sunfish licence authorizes, in that part of the Red River extending from five hundred yards north of St. Andrews Locks northerly to Lake Winnipeg, the use of one set line with not more than two hundred baited hooks during the summer season; the fee for such licence is five dollars (\$5.00), and the summer season is the period that commences on the second Monday in June in each year and terminates on the first Saturday in August following, both days inclusive.

Winter Fishing

(4) Fishing for commercial purposes is permitted in that part of the Red River described in subsection (3) during the period that commences on the first day that ice makes after the tenth day of November in each year and terminates on the second Saturday in March in the year next following, both days inclusive.

(5) A winter fishing licence for coarse fish authorizes the use of not more than five hundred (500) yards of gill-net the mesh of which shall be not less than three and three-quarters inches extension measure when in use; the fee for such licence is five dollars (\$5.00).

BUFFALO BAY—LAKE OF THE WOODS

11. (1) Except as hereinafter provided fishing for commercial purposes in Buffalo Bay, Lake of the Woods, is prohibited.

Summer and Fall Season

(2) Fishing for pickerel for commercial purposes, except as herein provided, is permitted from the first day of June in each year to the last Saturday in October following, both days inclusive.

(3) A fishing vessel licence authorizes the use of not more than five thousand (5,000) yards of gill-net; the fee for such licence is fifty dollars (\$50.00).

(4) A skiff licence authorizes the use of not more than one thousand and five hundred (1,500) yards of gill-net; the fee for such licence is fifteen dollars (\$15.00).

(5) A pound-net licence authorizes fishing by means of a pound-net at Buffalo Bay; the fee for such licence is fifty dollars (\$50.00).

(6) The mesh of gill-net for pickerel fishing for commercial purposes shall be not less than four inches nor greater than four and one-quarter inches extension measure when in use.

Winter Season

(7) Fishing for commercial purposes is permitted during the period that commences on the first day that ice makes after the tenth day of November in each year and terminates on the second Saturday in March in the year next following, both days inclusive.

Fisheries Act—continued

(8) A winter fishing licence for whitefish authorizes the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall be not less than five and one-quarter inches nor greater than five and one-half inches extension measure when in use; the fee for such licence is twenty dollars (\$20.00).

(9) A winter fishing licence for other than whitefish authorizes the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall be not less than four inches nor greater than four and one-quarter inches extension measure when in use; the fee for such licence is twenty dollars (\$20.00).

STURGEON FISHING

12. (1) Fishing for sturgeon is prohibited except for commercial purposes and under the authority of an order of the Minister in writing, during the period from the fifteenth day of June in each year to the fourteenth day of August following; a commercial sturgeon fishing licence authorizes the use of not more than five hundred (500) yards of gill-net, the mesh of which shall be not less than twelve inches extension measure when in use; the fee for such licence is ten dollars (\$10.00).

(2) No sturgeon weighing less than eighteen pounds undressed shall be taken out of the water or retained, and any sturgeon weighing less than eighteen pounds undressed shall be returned immediately alive and if possible uninjured to the water from which it was taken; no person shall have in possession at any time any sturgeon weighing less than ten pounds dressed, the head, entrails, collar bone and fins having been removed.

(3) The use of baited or unbaited hooks for the purpose of taking sturgeon is prohibited.

(4) Baited or unbaited hooks are deemed to be in use for the purpose of taking sturgeon within the meaning of these regulations,

- (a) when in the vicinity of a sturgeon fishing station or sturgeon fishing grounds, in any condition;
- (b) when in a fishing vessel, in a freighting vessel, in a skiff or in a canoe, in the vicinity of a sturgeon fishing station or sturgeon fishing grounds; and
- (c) when actually in the water.

MINNOW FISHING

13. (1) No person shall fish for minnows for commercial purposes except under authority of a licence issued by authority of the Minister, and all minnows when caught shall immediately be salted or otherwise killed or preserved; provided that the holder of a commercial fishing licence, at the discretion of the Minister, may be granted a special permit to retain live minnows in a pen or enclosure, and such live minnows shall be killed, or killed and preserved before sale, or before being given to another person.

(2) The holder of a commercial minnow fishing licence may fish for minnows with a seine-net not more than forty feet in length nor more than four feet in depth or with a dip-net not exceeding thirty-six inches in diameter.

(3) An angler may take minnows for personal use for bait by means of a hand (dip) net not more than twenty-four inches in diameter; all minnows when taken shall be immediately salted or otherwise killed and preserved.

Fisheries Act—continued

(4) No person shall use for bait minnows that have not been preserved by salt or otherwise killed and preserved.

(5) No person shall fish for minnows from the 1st day of November to the 14th day of April next following, both days inclusive.

(6) No person shall sell live minnows, or cause or in any way aid and assist any person to become possessed of live minnows.

(7) No person shall have in possession at or in the vicinity of any fishing grounds, live minnows or live small fishes or any other species of fish except as provided in subsection (1).

(8) The fee for a minnow fishing licence is ten dollars (\$10.00), and the fee for a special permit to retain live minnows is one dollar (\$1.00).

OTHER WATERS

14. (1) Commercial fishing in lakes not specifically named elsewhere in these regulations is permitted only under the authority of an order of the Minister in writing and during the following seasons:

- (a) Winter season commencing the third Monday in November in each year and terminating on the thirty-first day of March following, both days inclusive;
- (b) Spring season commencing the first Monday in June in each year and terminating on the second Saturday in July following, both days inclusive;
- (c) Summer season commencing on the first Monday in June in each year and terminating on the first Saturday in August following, both days inclusive;
- (d) Fall season commencing on the third Monday in August in each year and terminating on the third Saturday in September following, both days inclusive.
- (e) Sucker season in the Whitemud River commencing on the Monday nearest to the fifth day of April in each year and terminating on the Saturday nearest to the fifth day of May following.

(2) An order so made authorizes the use of not more than one thousand and five hundred (1,500) yards of gill-net having a minimum mesh of five and one-quarter inches extension measure when in use for whitefish fishing and having a minimum mesh of four and one-quarter inches extension measure when in use for pickerel and jackfish fishing; the fee for a licence for such fishing is ten dollars (\$10.00).

(3) For sucker fishing in the Whitemud River, licences are issued for hoop-nets and dip-nets; the fee for each hoop-net licence is five dollars (\$5.00), and the fee for each dip-net licence is two dollars and fifty cents (\$2.50).

(4) When the Minister is of the opinion that it is in the public interest to do so, he may declare that commercial fishing may be carried on in any lake or water area only by residents residing in the vicinity of such lake or water area, and such declaration shall become effective on publication thereof in the *Manitoba Gazette*.

(5) The Minister may at any time rescind any order made by him under the authority of this section.

Fisheries Act—*continued*

LIMITATION OF CATCH

15. (1) The total quantity of fish that may be taken in any season from any water in the Province not specified in these regulations may be limited by the Minister from time to time and notice of any such limitation, stating clearly the water area and limitation, shall be published in the *Manitoba Gazette*, at least two weeks before the opening of the fishing season to which such limitation is applicable.

(2) When in the opinion of any officer any limit of catch specified in these regulations or any limit of catch determined by the Minister is reached or about to be reached in any fishing area the Minister, on receiving the report of such officer, may give or cause to be given, notice that the season for the said fishing area shall close on or at a certain time and any one or more of the following methods shall constitute notice thereof:

- (a) the posting by an officer of a notice at any fishing station or camp near or in the vicinity of the said area that the fishing season will close at the time therein stated, or
- (b) the broadcast of a radio message during the regular noon broadcast of news setting forth the time that the fishing season will close, or
- (c) publication of notice in the *Manitoba Gazette* setting forth the time that the fishing season will close.

(3) All nets in use must be removed from the water in the said fishing area on or before the time stipulated in the said notice, and any person who neglects or refuses to so remove his fishing equipment is guilty of an offence against these regulations and, in addition, his fishing equipment and all fish taken or which appear to have been taken after the expiration of the time stipulated in the said notice for the close of the said season may be seized and confiscated.

PROHIBITIONS

16. (1) No person shall fish other than with gill-net, hoop-net, fyke-net or baited hook, except as otherwise specifically provided in these regulations, or by angling.

(2) No person shall fish for, catch or kill any fish by means of spear, gaff hook, snare, unbaited hooks, firearm or explosive, except that a fish caught with a hook and line may be landed with a gaff hook.

(3) No person shall retain live fish in a pen or other enclosure in waters of the Province except for fish cultural or scientific purposes under the authority of the Minister.

(4) No person shall introduce into any of the waters of the Province any fish except by authority of the Minister.

(5) No person shall fish for commercial purposes in any lake in the Province at any time,

- (a) within a radius of one mile from the mouth of any stream flowing into a lake or within a radius of one mile from the confluence of a stream and a lake; or

Fisheries Act—continued

- (b) in any narrows less than two miles in width whether the narrows is between the mainland and the mainland, between the mainland and an island, or between islands, nor within a radius of one mile outside the narrows, unless a straight continuous passage of at least one-third of the width of the narrows and areas outside thereof is kept open and free of nets throughout.

(6) No person may at any time hold more than one commercial fishing licence.

(7) Except as expressly permitted or authorized by these regulations, no person shall fish at any place in the Province.

MARKING OF BOATS AND NETS

17. (1) Every licensee, whether fishing under a commercial or domestic licence, shall mark in a legible manner all boats, nets, buoys and gangs of nets and in winter fishing all net stakes with the number of his licence preceded by the letters "C" or "D", as the case may be, to distinguish between a Commercial or Domestic licence; such letter and number shall be painted on each boat in black upon a white ground on either side of the bow above the water line, and shall be not less than six inches in height; the letter and number on the buoys shall be so placed as to be readily seen without raising the buoys from the water; the letter and number on the nets shall be so placed as to be readily seen when the nets are in boxes or on a reel, and the letter and number on net stakes shall be readily legible at all times.

(2) All gangs of nets shall be marked at each end thereof

(a) during open water fishing, by a buoy surmounted by a flag, the top of which shall be at least three feet above the surface of the water, or

(b) during winter fishing, by a stake, the top of which shall be at least three feet above the surface of the ice.

NETS—WHEN IN USE

18. (1) A gill-net or gill-netting or any other net or netting is deemed to be in use

(a) when in the general vicinity of a fishing station or fishing grounds, in any condition,

(b) when actually in the water, and

(c) when in a fishing vessel, in a freighting vessel, or in a skiff.

(2) The device known as the Selkirk Net Gauge No. 8 is the official measuring instrument to be used in determining "extension measure when in use" of any gill-net.

PREVENTING WASTAGE OF FISH

19. (1) For the purpose of preventing wastage of fish it is conditional on the granting of any licence authorizing commercial fishing during the open water season that

(a) operations thereunder shall be conducted only by means of a vessel or skiff that is in a safe and seaworthy condition, and of a size sufficient to ensure daily operation and lifting of nets, and is so constructed and equipped as will ensure fish carried therein being kept out of water or bilge that may accumulate therein; and

Fisheries Act—continued

- (b) the licensee shall carry during operations thereunder by means of the said vessel or skiff an adequate supply of crushed ice in which the catch shall be packed, and shall provide a suitable cover for the catch;

and failure to comply with any or all of these conditions shall constitute a reason for ordering cessation of fishing operations under such licence by any fishery officer until all conditions are fully met to his satisfaction.

(2) In any case where it is proved to the satisfaction of the Minister that the catch or any portion thereof of any licensee, shipped or packed by such licensee is not in a fit or satisfactory condition for human consumption, when shipped or packed, or was shipped or packed in unclean or unsanitary containers, the Minister may cancel his licence, and on second offence shall refuse him a licence for the fishing season immediately next following; the onus shall be upon the licensee to prove that the fish were in a fit or satisfactory condition for human consumption when packed or shipped, or that the containers were not in an unclean or unsanitary condition.

KEEPING ICE CLEAN

20. Each licensee shall during each winter season keep the ice about his net holes and where he is working clean from fish offal, unsaleable fish or other deleterious substances, and he shall each day either remove from the ice to a suitable place on shore above high-water mark all such fish offal or other deleterious substances or place the same in boxes and remove them to the shore from time to time, or as instructed by an officer, where it shall from time to time be properly disposed of, but in any event before the end of the commercial winter fishing season.

TIME OF SETTING GEAR

21. It is unlawful for any person to place running lines, used for the setting of nets for fishing through the ice in the winter, at any time prior to the commencing date of the winter fishing season for the area in which such lines are used.

APPLICATION

22. (1) These regulations apply to all portions of the Province except such areas as are or may be set aside as National Parks.

(2) Where under these regulations any licence is required to be issued or any act to be done by or on behalf of the Crown or the Department such licence may be issued and such act may be done by or under the direction of the Minister; provided always that in so far as these regulations apply to tidal waters "Minister" shall mean the Minister of Fisheries for Canada.

(3) Applications for commercial fishing licences shall be made in writing on the Departmental form provided; to be considered such applications must be filed in the office of the Director of Game and Fisheries not less than fourteen days before the opening of the commercial fishing season to which the applications refer.

LICENCE CANCELLATION

23. (1) Every licence issued under these regulations shall be subject to cancellation at any time without compensation to the holder thereof, for any breach of these regulations or, if in the opinion of the Minister, the operations under such licence have not been conducted in conformity with these regulations.

Fisheries Act—continued

(2) Any person who is the holder of a licence under these regulations may apply to the Director, Game and Fisheries Office, at Winnipeg, for cancellation of his licence and for a refund of the fee paid therefor; if the application so made is received within fifteen days after the licence was issued or within fifteen days from the opening date of the fishing season for which the licence was issued and if the applicant has not fished under authority of the licence, the application shall be granted.

POWERS OF FISHERY OFFICERS

24. (1) Disputes between persons relative to fishing areas, or claims to fishery stations, or relative to the positions and use of nets and other fishing apparatus shall be settled by a fishery officer or by the Director of Game and Fisheries.

(2) Fishery officers may determine or prescribe the distance between each fishery and shall forthwith remove any fishery apparatus or materials which the owner neglects or refuses to remove; and such owner shall be liable for any violation of these regulations and for the cost of removing such apparatus and materials and any damages that may result therefrom.

LICENCES—WINTER FISHING

25. (1) It is unlawful for any licensed commercial fisherman operating on Lake Winnipeg, Lake Winnipegosis or Lake Manitoba during the winter fishing season to hire any person or persons to assist him in his commercial fishing operation unless he shall have obtained and is in possession of a valid and unexpired Commercial Fishing Operator licence which permits such hiring.

(2) It is unlawful for any person to assist or to hire out his services to assist a commercial fisherman in his commercial fishing operations during the winter fishing season unless he shall have obtained and is in possession of a valid and unexpired Hired Fisherman Licence or a Commercial Fishing licence.

(3) It is unlawful for any commercial fishing operator to obtain the services of more hired commercial fishermen than the number permitted by his Commercial Fishing Operator licence, and a commercial fishing operator shall be permitted to engage not more than two hired fishermen at one time.

(4) During the winter fishing season on Lake Winnipeg, Lake Winnipegosis and Lake Manitoba, and in addition to the provisions of subsections (13), (14), (15), (16) and (17), of section 4, Lake Winnipeg; and subsection (7) of section 6, Lake Winnipegosis; and subsection (3) of section 8, Lake Manitoba, the Minister may issue or cause to be issued, Commercial Fishing Operator licences to permit the hire of two fishermen, the fee for which shall be forty dollars (\$40.00) and Commercial Fishing Operator licences to permit the hire of one fisherman, the fee for which shall be thirty dollars (\$30.00); every licensee under this section shall be required to take out a Hired Fisherman licence for each hired fisherman permitted, the fee for which shall be ten dollars (\$10.00).

(5) In all commercially fished waters of the Province not covered by section 4, Lake Winnipeg; section 6 Lake Winnipegosis; and section 8, Lake Manitoba, the Minister may issue, or cause to be issued during the winter fishing season Commercial Fishing Operator licences to permit

Fisheries Act—continued

the hire of two fishermen, the fee for which shall be ten dollars (\$10.00), and Commercial Fishing Operator licences to permit the hire of one fisherman, the fee for which shall be ten dollars (\$10.00); every licensee under this section shall be required to take out a Hired Fisherman licence for each hired fisherman permitted, the fee for which shall be ten dollars (\$10.00).

(8) Saskatchewan Fishery Regulations

P.C. 1954-1048

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 13th day of July, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Saskatchewan Fishery Regulations, established by Order in Council P.C. 2180 of 14th May, 1951, as amended, are hereby revoked; and

2. The annexed "Saskatchewan Fishery Regulations" are hereby made and established in substitution for the regulations hereby revoked.

FISHERY REGULATIONS FOR THE PROVINCE OF SASKATCHEWAN

Short Title

1. These regulations may be cited as the *Saskatchewan Fishery Regulations*.

Interpretation

2. In the regulations,

- (a) "angle" means to take or attempt to take fish by means of hook and line and includes casting or trolling;
- (b) "closed season" means a specified period during which fish may not be fished;
- (c) "day" means the time between one hour before sunrise and two hours after sunset;
- (d) "Department" means the Department of National Resources of the Province of Saskatchewan;
- (e) "Director" means the senior officer of the Department in charge of the administration of fisheries;
- (f) "extension measure" means the distance between the extreme angles of any single mesh and such measurement shall be made after the twine or net has been saturated in water and extended until the twine is taut without any strain whatsoever and shall be between the inside of the knots;
- (g) "gill-net" means a net which catches fish by enmeshing them but which does not enclose an area of water;

Fisheries Act—continued

- (h) "Minister" means the Minister of Natural Resources of the Province of Saskatchewan;
- (i) "non-resident Canadian" means a person other than a resident but who resides in Canada and who has resided in Canada for at least one year preceding the granting of a fishery licence;
- (j) "officer" means any person employed by the Department, or any police constable or officer, or any other officer or person authorized to assist in the enforcement of the Fisheries Act, and regulations made thereunder;
- (k) "Province" means the Province of Saskatchewan;
- (l) "resident" means a person whose domicile is in the Province and who has resided continually in the Province for a period of one year immediately preceding the granting of a fishery licence; and
- (m) "trap or pound net" means a net or apparatus which catches fish without enmeshing them and consists of a leader and an enclosure into which the fish are guided by the leader.

Application

3. These regulations apply to the taking of fish in all waters of the Province or administered by the Province other than the waters within the boundaries of the Prince Albert National Park.

Angling

4. (1) No person over the age of sixteen years shall angle without first obtaining a licence to do so.

(2) No person over the age of sixteen years shall accompany anyone under the age of sixteen years in a boat or other watercraft that is being used in angling, unless such person is a holder of an angling licence.

(3) No person over the age of sixteen years shall angle unless he has signed his licence in the space provided for that purpose and has the licence on his person while angling.

(4) Every person over the age of sixteen years engaged in angling shall upon request by an officer, immediately produce his licence for examination.

(5) Angling licences may be issued by or under the authority of the Minister,

- (a) to a resident, or a non-resident Canadian, upon payment of a fee of \$1.00, authorizing the licence to angle in waters not frequented by trout or grayling;
- (b) to a resident, or a non-resident Canadian, upon payment of a fee of \$2.00, authorizing the licensee to angle in all waters to which these regulations apply;
- (c) to a person who is not eligible for a licence under paragraph (a) or (b), upon payment of a fee of \$4.00, authorizing the licensee to angle in waters not frequented by trout or grayling;
- (d) to a person who is not eligible for a licence under paragraph (a) or (b), upon payment of a fee of \$8.00, authorizing the licensee to angle in all waters to which these regulations apply.

Fisheries Act—continued

(6) A licensee holding a licence to angle in waters not frequented by trout or grayling may obtain a licence to angle in waters frequented by trout or grayling by surrendering his licence and paying the difference in the fee.

(7) Notwithstanding anything contained in these regulations, the Minister may grant complimentary angling licences which shall remain in force only for the period therein stated.

(8) No person shall angle for pike, yellow pike perch (pickerel), sauger, yellow perch, goldeyes, American (Arctic) grayling or lake trout except between the sixteenth day of May if such day is a Saturday, or between the Saturday immediately before the sixteenth day of May when such day is not a Saturday, and the thirty-first day of March following, both days inclusive.

(9) No person shall angle for eastern brook trout, rainbow trout or loch leven (brown) trout except between the sixteenth day of May, or the fourteenth day of May whenever the sixteenth day is a Monday, and the fifteenth day of September each year, both days inclusive.

(10) No person shall retain or keep out of the water,

(a) any pike, yellow pike perch (pickerel) or lake trout less than fifteen inches in length;

(b) any eastern brook trout, rainbow trout or loch leven (brown) trout less than nine inches in length;

(c) any goldeye or American (Arctic) grayling less than ten inches in length; nor

(d) any sauger less than ten inches in length;

but this subsection does not apply to the following area:

All that portion of the Province east of a line drawn along Highway No. 6, commencing from the port of entry of Regway on the United States-Canadian boundary thence north to its intersection with the municipal road which runs due east through the Town of Riceton; thence east along the said municipal road to the Town of Francis; thence north along the municipal road which runs north from the Town of Francis, to Highway No. 1, near the Town of Qu'Appelle; thence east along Highway No. 1 to the Town of Indian Head; thence north and west along Highway No. 56 to its intersection with Highway No. 35; thence north along Highway No. 35 to the Village of Archerwill; and thence due north to the northern boundary of Township Forty, Range Thirteen, West of the Second Meridian; and all that portion of the Province south of a line drawn along the north boundary of the said Township Forty to its intersection with Highway No. 9; thence south along Highway No. 9 to the south boundary of the Porcupine Provincial Forest; and thence east along the south boundary of the said Forest to its intersection with the Manitoba-Saskatchewan boundary.

(11) The lengths prescribed by subsection (10) shall be determined by measuring from the point of the nose to the centre of the tail of the fish; any person who takes a fish that is of a lesser length than the length so prescribed shall immediately return it, alive and uninjured, to the water from which it was taken.

Fisheries Act—continued

(12) Except in Lac la Ronge, Bigstone, Egg, Nemeiben; Iskwatikan, Nunn, Potato and Pipestone Lakes, no person shall by angling take and retain in any one day more than

- (a) eight pike;
- (b) eight yellow pike perch (pickerel) or sauger;
- (c) five lake trout;
- (d) a total of five fish of the following species: eastern brook trout, rainbow trout and loch leven (brown) trout;
- (e) eight goldeyes; or
- (f) ten American (Arctic) grayling.

(13) No person shall by angling take and retain in one day in Lac la Ronge, Bigstone, Egg, Nemeiben, Iskwatikan, Nunn, Potato and Pipestone Lakes more than

- (a) eight pike, the maximum weight thereof limited to forty pounds, plus one pike;
- (b) seven yellow pike perch (pickerel), the maximum weight thereof limited to fifteen pounds, plus one yellow pike perch (pickerel); or
- (c) four lake trout, the maximum weight thereof limited to twenty-five pounds, plus one lake trout.

(14) Notwithstanding anything herein contained, no person shall, in respect of the areas referred to in subsection (13), catch and retain in any one day more fish of the various species than will aggregate more than forty-five pounds plus one fish.

(15) No person shall catch and retain in his possession such poundage and number of each of the various fish species listed herein as will exceed twice the daily catch limit prescribed by subsections (12), (13), and (14), provided that the combined aggregate poundage and number thus caught and retained shall not exceed ninety pounds plus one fish.

(16) Notwithstanding anything contained in subsections (12) to (15), no person shall, in that part of the Province lying south of the 55th parallel of north latitude, catch and retain in any one day more fish of the various species named in subsection (12) than will aggregate eight fish.

(17) Notwithstanding anything contained in subsections (12) to (15), no person shall, in that part of the Province lying north of the 55th parallel of north latitude, catch and retain in any one day more fish of the various species named in subsection (12) than will aggregate twelve fish.

(18) No person who has caught fish by angling shall at any time have in his possession a greater number of fish than he is allowed to take in two days in accordance with this section; if the fish have been filleted, two fillets shall be deemed to be one fish and to represent one-half of the round weight and every fillet shall be deemed to have been taken from a fish from one of the species mentioned in subsection (12) or subsections (13) to (15), as the case may be.

(19) No person shall angle between two hours after sunset and one hour before sunrise.

(20) No person shall for the purpose of angling, otherwise than through the ice covering the water in which he is angling, use more than one fishing line.

Fisheries Act—continued

(21) No person shall for the purpose of angling through the ice covering the water in which he is angling use more than two fishing lines.

(22) No person shall angle with a fishing line which has attached to it more than one hook, except that where artificial baits with three hooks in a gang are used each such bait shall be deemed to be one hook; provided that this prohibition shall not apply to fly fishing, and further provided that four hooks on one line may be used in the North Saskatchewan and South Saskatchewan Rivers.

(23) No person shall in angling take fish by gaffing, grappling or snagging, but a gaff may be used to land fish taken by angling.

(24) Notwithstanding anything contained in these regulations, the Minister may authorize the taking of fish under an angling licence in any water or portion of any water during such period as he may specify, by spearing or snaring.

(25) No person shall use for bait any fish eggs which have not been treated so that they will not hatch when placed in a lake or other water.

(26) No person while engaged in angling shall leave a fishing line unattended.

(27) The holder of an angling licence may take minnows and other small fish, except yellow pike perch (pickerel), sauger, pike, trout or grayling, for use by himself as bait in the water from which he takes them, by means of a seine net not more than thirty feet in length and having a mesh of not more than one-half inch extension measure or by a dip net not more than twenty-four inches in diameter or by a minnow trap none of the dimensions of which exceeds twenty-four inches; no person taking minnows or other small fish under the authority of such licence shall sell, trade or barter any such fish; if such person takes any fish other than those permitted under the authority of this subsection, he shall return such fish to the water immediately, but no person shall use as bait, or take for use as bait, minnows or any other small fish in or from any waters in that portion of the Province mentioned in subsection (10).

(28) No person shall use any structure or shelter on the ice, while engaged in angling, unless such shelter is clearly identified on the outside with the name and address of the owner.

(29) No person shall for export from the Province sell, trade or barter, or offer for sale, trade or barter, or purchase any fish caught by angling.

(30) Notwithstanding anything in this section contained, an Indian who is a resident may angle at any time for such fish as are necessary as food for himself, the members of his family, or his or their dogs.

Net Fishing

5. (1) No person shall fish with a net except under authority of a licence or permit issued by or under the authority of the Minister.

(2) No person shall fish with a net in any water except the water specified in the licence or permit.

(3) A person who has a net with leads and floats attached thereto at or in the vicinity of any lake or other water or at or in the vicinity of a fishing camp or fishing ground shall be deemed to be fishing with a net.

Fisheries Act—continued

(4) No person other than a resident shall be eligible for a licence to fish with a net; except that if the Minister or the Director considers it in the public interest, he may authorize the issuing of licences to non-resident Canadians in respect of any waters of the Province.

(5) Notwithstanding anything contained in these regulations, the Minister or the Director may

- (a) limit the number of licences to fish with nets which may be issued in respect of any water or part of any water;
- (b) in his absolute discretion, decide which applications for licences shall be accepted under such limitation;
- (c) limit the poundage of the various species of fish that may be taken by any licensee from any water or portion of any water, and a licensee shall not take more fish than the quantity allowable under the poundage so limited.

(6) The Minister may specify the size or sizes of the meshes of nets which may be used in a designated water for the purpose of taking a designated species of fish or all species of fish, and no person shall use in a water so designated a net with meshes of a size or sizes other than the size or sizes so specified.

(7) No person shall place a net or a running line for the setting of a net in any water before eight o'clock in the forenoon Mountain Standard Time of the opening date for net fishing provided by or under these regulations for such water.

(8) No person shall leave a net in the water for more than forty-eight consecutive hours without withdrawing it from the water and removing the fish therefrom.

(9) No person shall set a net in any water except at right angles to the shoreline nearest to the point where the net is set or as may be directed by an officer.

(10) No person shall use a gill-net with a depth of less than ten meshes for the taking of fish.

(11) All nets used in winter fishing and all net stakes to which the nets shall be fastened, which stakes shall extend not less than four feet above the surface of the ice, shall be legibly numbered at each end of each individual net with the number of the fishing licences under which they are being used; in summer fishing all nets shall have attached thereto buoys legibly marked in such a way that the marking may be readily seen without raising the buoys from the water, with the number of the fishing licence under which they are being operated; when the nets are in boxes or on reels, the number of the licence under which they are being used shall be so placed that it may be readily seen; all nets, buoys and gangs of nets in summer fishing, and in winter fishing all nets fastened to stakes, that are not marked as above required, may be seized and confiscated and the owner thereof shall be liable to conviction for violation of these regulations.

(12) No person shall leave any net stakes on the ice after fishing operations for any winter season have ceased.

(13) The Minister or the Director may, if he considers it advisable to do so, limit the size of the twine of any net to be used in any water or portion of any water.

Fisheries Act—continued*Commercial Fishing*

6. (1) In all waters north of or intersected by the 54th parallel of north latitude summer fishing for commercial purposes may commence on the sixteenth day of May and shall cease on the fifteenth day of September next following; and winter fishing for commercial purposes may commence on the first day of December and shall cease on the fifteenth day of February next following; provided that in any water north of or intersected by the 57th parallel of north latitude winter fishing for commercial purposes may commence on the twentieth day of November or when the ice forms on such water, whichever shall be the later; and provided further that where the fish are shipped to market or a cold storage plant in an unfrozen condition winter fishing may continue to the thirty-first day of March following.

(2) In all waters south of the 54th parallel of north latitude summer fishing for commercial purposes may commence on the sixteenth day of May and shall cease on the thirtieth day of September next following; and winter fishing for commercial purposes may commence on the sixteenth day of December and shall cease on the fifteenth day of February next following; provided that where the fish are shipped to market or a cold storage plant in an unfrozen condition winter fishing may continue to the thirty-first day of March following.

(3) Notwithstanding anything contained in this section, the Minister or the Director may, if he considers it advisable,

- (a) extend a closed season in respect of any water or portion of any water by directing that fishing therein shall not commence until a later date than the date herein prescribed or that it shall cease on an earlier date than the date herein prescribed; and
- (b) permit the taking of fish for commercial purposes during a closed season or portion of a closed season in any water or portion of any water.

(4) No person shall catch or take any fish for commercial purposes except during the periods prescribed by subsection (1) and subsection (2) or as may be specified by the Minister or Director pursuant to subsection (3).

(5) Where an officer at any time finds that all fish being taken for commercial purposes in any water cannot be sold or placed in efficient cold storage or adequately cared for at local processing or packing plants to prevent wastage of fish, he may order either orally or in writing that the maximum yardage of nets being used in such water by each licensee be reduced to such yardage as he may specify, or that all nets be removed from the water before a day or hour set by him for that purpose and be kept out of the water for such time as he deems necessary to enable the fish that may thereafter be taken to be sold or placed in efficient cold storage or properly cured for at a processing or packing plant; every person who fails to comply with the provisions of an order so made shall be liable to the penalties provided for in section 66 of the Fisheries Act as well as immediate cancellation of his licence.

(6) Every licensee authorized to fish for commercial purposes during the summer season shall carry, during such operations, an adequate supply

Fisheries Act—continued

of crushed ice in which the catch shall be packed and shall provide a suitable cover for the catch; and failure to comply with any of these conditions shall constitute an offence against these regulations and any officer may order cessation of fishing operations under such licence until all conditions are fully met to his satisfaction.

(7) No person shall during the summer commercial fishing season transport fish from any fishing boat to any other place unless it is packed in a clean and sanitary container in such quantity of crushed ice as will ensure that it remains in a fit or satisfactory condition for human consumption.

(8) Notwithstanding anything contained in these regulations, or whenever it is proved to the satisfaction of the Minister or the Director that the catch or any portion thereof of any licence, shipped or packed by such licensee was not in a fit or satisfactory condition for human consumption when shipped or packed, or was shipped or packed in any unsanitary or unclean container, the Minister or the Director may cancel his licence; the onus shall be upon the licensee to prove that the fish were in a fit or satisfactory condition for human consumption when packed or shipped, or that the containers were not in any unsanitary or unclean condition.

(9) The Minister may issue, or authorize to be issued, licences to be known as commercial fishermen's licences; every such licence shall entitle the licensee to fish with not more than 1,000 yards of gill-nets; the Minister or Director may, however, if he considers it advisable extend or further limit the maximum yardage of gill-nets that may be used in any water or portion of any water; the fee for such licence shall be \$5.00 for each summer fishing season and \$5.00 for each winter fishing season.

(10) The maximum yardage of nets which may be used under any commercial fisherman's licence shall be stated in the licence; no person shall use a greater yardage of nets than the yardage stated in the licence.

(11) The Minister may issue, or authorize to be issued, licences to be known as bait licences; every such licence shall entitle the licensee to take minnows and other small fish, except the young of yellow pike-perch (pickerel), pike, trout or grayling, by means of a seine net not more than thirty feet in length and having a mesh of not more than one-half inch extension measure or by a dip net not more than twenty-four inches in diameter or by a trap none of the dimensions of which exceeds twenty-four inches; bait so taken may be sold to anglers but no one shall use the bait so taken except as bait for angling in the water from which it was taken; the fee for such licence shall be \$2.00.

(12) Where a person taking minnows and other small fish, except the young of yellow pike-perch (pickerel), pike, trout or grayling, under the authority of a bait licence, takes any fish other than those permitted to be taken under the authority of subsection (11), he shall immediately return such fish, alive and uninjured, to the water from which it was taken.

(13) No person shall purchase any minnows or other small fish authorized to be taken under the provisions of subsection (11) except from the holder of a bait licence.

Fisheries Act—continued

(14) Notwithstanding anything in these regulations, the Minister or the Director may, if he considers it advisable, issue a licence authorizing the use of a trap or pound net or other similar apparatus to allow the taking of any particular species of fish; the fee for such licence shall be \$15.00.

(15) No person shall ship any fish taken for commercial purposes from the lake in which they were taken unless such fish are packed in wooden boxes, cardboard cartons or metal trays, or in such other containers as the Minister or the Director may authorize.

(16) No person shall pack any fish taken for commercial purposes in any container that is not in a sanitary condition.

(17) The Minister or the Director may, if he considers it advisable, order that all containers in which fish are being shipped shall be clearly marked to show the net weight, the species of fish, the fisherman's licence number and the lake from which the fish were taken, or any of such matters; and so long as any order so made is in force no person shall sell, buy, ship or have in his possession any fish in a container that is not marked as required by the order.

(18) A person to whom a commercial fisherman's licence is issued shall, whenever requested by an officer to do so, provide the Department with a statement showing the number of pounds of each species of fish taken under such licence.

(19) The Minister may limit the total quantity of fish that may be taken for commercial purposes from any water; notice of a limitation so made, stating clearly the water area and limitation, shall be published in the *Saskatchewan Gazette*.

(20) When in the opinion of an officer the limit determined by the Minister is reached, or is about to be reached, in any fishing area, the officer shall order either in writing or orally that all nets in use shall be removed from the water before a set day or hour; a fisherman who refuses or neglects so to remove his fishing equipment shall be liable to the penalties provided in the Fisheries Act.

Fur Farm Fishing

7. (1) The Minister may issue, or authorize to be issued, licences to be known as fur farm fishing licences; every such licence shall entitle the licensee to use not more than one thousand yards of gill-nets or a set line with not more than two hundred baited hooks for the purpose of taking coarse species of fish, specified by the Minister or the Director, to feed such number of fur bearing animals kept for breeding purposes not exceeding five hundred animals as may be specified in the licence and also to feed the offspring of such animals; the fee for such licence shall be based on the number of animals kept for breeding purposes at the following rates:

For each animal up to and including 100	\$1.00
For each animal over 100 up to and including 250	\$1.50
For each animal over 250 up to and including 500	\$2.00

(2) A fur farm fishing licence shall not be issued until the applicant has made written application therefor on a form to be obtained from the Department and has furnished all the information required by the Department in such form.

Fisheries Act—continued

(3) No person shall after the issue to him of a fur farm fishing licence retain in his possession more adult fur bearing animals than the number specified in his licence or any immature fur bearing animals except the offspring of such adult animals.

(4) A holder of a fur farm fishing licence shall, on or before the thirty-first day of March next following the day of issue thereof, furnish the Minister with a statement, verified by the statutory declaration of a person having knowledge of the facts, on a form to be obtained from the Minister, showing,

- (a) the quantity of the various species of fish taken during the preceding year;
- (b) the number of yards and the mesh size of nets used and the number of hooks used; and
- (c) such other information as may be required by the Department in such form.

(5) A holder of a fur farm fishing licence shall not exercise any right under such licence while he holds a commercial fisherman's licence.

(6) A holder of a fur farm fishing licence shall not take nor attempt to take any fish under authority of such licence between the first day of April and the fifteenth day of May, next following, both dates inclusive, nor the first day of October and the thirtieth day of November, next following, both dates inclusive.

(7) Notwithstanding anything contained in subsection (6), the Minister or the Director may, if he considers it advisable, permit the taking of fish from any water or portion of any water during either, or both of the closed seasons prescribed by that subsection.

(8) No person shall sell, trade or barter, or offer for sale, trade or barter, any fish taken under authority of a fur farm fishing licence.

(9) Notwithstanding anything contained in these regulations, the Minister or the Director may specify that certain species of fish only may be taken under authority of a fur farm fishing licence in any water or portion of any water; and where, in the opinion of an officer, any licensee takes more than ten per cent in weight of other species of fish than those so specified, the Minister or the Director may cancel his licence.

Domestic and Indian Fishing

8. (1) The Minister may issue or authorize to be issued licences to be known as domestic net fishing licences; every such licence shall, subject to subsection (2), entitle the licensee or a member of his family to use one hundred yards of gill-nets for the purpose of taking fish for the use of himself and his family, and for use as food for any dog owned by him or by any member of his family; the fee for such licence shall be \$2.00.

(2) The Minister or the Director may cause to be inserted in any domestic net fishing licence a stipulation that the licensee shall take or attempt to take only such species of fish as may be designated in the licence, and that he shall take or attempt to take such fish only during the period specified in the licence.

Fisheries Act—continued

(3) Where a domestic net fishing licence contains a stipulation in accordance with subsection (2) the licensee shall not take or attempt to take any fish except during the period specified in the licence or take or attempt to take any fish except fish of the species, specified in the licence.

(4) The Minister may issue, or authorize to be issued, permits to be known as Indian fishing permits to Indians who are residents; every such permit shall entitle the permittee or a member of his family to use one hundred yards of gill-nets for the purpose of taking fish at any time for the use of himself and his family, and for use as food for any dog owned by him or by any member of his family; there shall be no fee for such permit.

(5) No person shall sell, trade or barter, or offer for sale, trade or barter, or dispose of to any other person free of charge, any fish taken under authority of a domestic net fishing licence or an Indian fishing permit.

(6) No person shall have in his possession at any one time more than one hundred pounds of fish taken under the authority of a domestic net fishing licence or an Indian fishing permit, except where the fish is dried or otherwise preserved for such person's own use or for use as food for the dogs owned by such person under the authority of special written permission of the Minister or the Director.

(7) No person shall have in his possession any fish taken under authority of a domestic fishing licence or an Indian fishing permit, except at or near the place where the net in which the fish was caught was set, or on a direct route from such place to the place of residence of the licensee or permittee or at such place of residence: provided that an officer may grant written permission to any person to have such fish in his possession at a place other than the said places.

General

9. (1) Every licence or permit, except a commercial fisherman's licence authorizing fishing during a summer fishing season, shall expire on the thirty-first day of March next following the date of issue; every commercial fisherman's licence authorizing fishing during the summer fishing season shall expire on the last day of the summer fishing season applicable to the water specified in the licence.

(2) Notwithstanding anything contained in these regulations, the Minister or the Director may declare any water or portion of any water to be closed for the taking of fish during any specified period.

(3) The issue of a licence shall be in the discretion of the Minister or the Director.

(4) The Minister or the Director may cancel any licence if the licensee has violated any provision of the Fisheries Act, or any regulation made thereunder.

(5) Every person who has fish in his possession shall, upon the request of an officer, produce evidence to show where or from whom such fish were obtained; failure to produce such evidence to the satisfaction of such officer shall be *prima facie* evidence that the fish were caught in violation of the Fisheries Act, or the regulations made thereunder by the person in whose possession they were found.

Fisheries Act—continued

(6) Disputes between persons relative to fishing limits or to the position and use of nets or other fishing apparatus shall be settled by an officer or the Director.

(7) Officers may determine or prescribe the distance between fisheries and shall forthwith remove any fishing apparatus or materials which the owner neglects or refuses to remove; an owner who refuses or neglects to remove such fishing apparatus or materials commits a violation of the regulations and is liable for the cost of removing such apparatus and materials and for any damages that may result thereto.

(8) Notwithstanding anything in these regulations, the Minister or the Director may arrange for the wholesale removal or enter into an agreement with any person for the wholesale removal, from any water or portion of a water of any species of fish in any manner and during any period specified by the Minister or the Director; fish so removed shall be disposed of as directed by the Minister or the Director.

(9) Nothing in these regulations shall preclude the Minister or the Director from authorizing the taking of fish during any specified time or by any prescribed method for the purpose of stocking any water for artificial breeding or for the propagation of fish.

Construction of Fishways

10. (1) Every slide, dam or other obstruction across or in any stream where the Minister determines it to be necessary in the public interest that a fishpass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, or a canal around the slide, dam or other obstruction, which shall be maintained in a good and effective condition by such owner or occupier, in such place and of such form and capacity as will in the opinion of the Minister satisfactorily permit the free passage of fish through the same.

(2) The place, form and capacity of the fishway or canal, may, when approved by the Minister be prescribed by any officer by notice in writing.

(3) Every fishway and canal shall be kept open and unobstructed and shall be supplied with such sufficient quantity of water as the Minister considers necessary to enable the fish frequenting the waters in which such fishway or canal is placed to pass through the same during such time as may be specified by an officer.

(4) The Minister, in order to procure the construction of any fishway or canal, pending proceedings against any owner or occupier for the penalty imposed by the Fisheries Act, may make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and materials for such purpose, and may recover from the owner or occupier the whole expense so incurred by action in the name of Her Majesty in the right of the Province of Saskatchewan.

(5) Where unused slides, dams, obstructions or anything detrimental to fish exist, and the owner or occupier thereof does not, after notice given by the Minister, remove the same, or if the owner is not resident in Canada, or his exact place of residence is unknown, the Minister may, without being liable to damage, or in any way to indemnify such owner or occupier, cause such slide, dam, obstruction or thing to be removed or destroyed, and in any case where notice has been given to the owner or occupier, may recover from such owner or occupier the expense of so removing or destroying the same.

Fisheries Act—continued

(6) Every owner or occupier of any dam or other obstruction across or in any stream shall, when required by the Minister install and maintain such fishstops or diverters, both above and below the dam or obstruction, as will, in the opinion of the Minister, be adequate to prevent the destruction of fish and to assist in providing for their ascent.

(7) At every dam or obstruction where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spillway or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.

(8) The owner or occupier of every dam or obstruction shall during the construction thereof make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish.

Prohibitions

11. (1) No person shall use a light, firearm, dynamite or other explosive material for the purpose of taking or killing fish.

(2) No person shall obstruct any river or creek by any kind of dam or trap or other apparatus for the purpose of taking or killing fish without first obtaining authority from the Minister to do so.

(3) No person shall fish for, catch or kill any sturgeon at any time except under authority of a special licence issued by the Minister or the Director and then only during the period, in the area, and by the method prescribed in the licence.

(4) No person shall introduce any species of fish alive into any water of the Province except by special permission of the Minister.

(5) No person shall import into the Province any live bait intended to be used for the purpose of taking fish.

(6) No person shall transfer any fish from one lake or other water area to any other lake or water area except by special permission of the Minister.

(7) No person shall be in possession of a spear or snare while engaged in angling or carrying on any other fishing operations except at a time when and place where the use of a spear or snare is permitted under subsection (24) of section four.

(8) No person shall take fish by means of a trap or other similar apparatus unless under authority of a licence to do so.

(9) Alberta Fishery Regulations

P.C. 1954-1972

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY; the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

Fisheries Act—continued

1. The Special Fishery Regulations for the Province of Alberta, established by Order in Council P.C. 2150 of 28th April, 1949, as amended, are hereby revoked; and

2. The annexed "Alberta Fishery Regulations" are hereby made and established in substitution for the regulations hereby revoked.

FISHERY REGULATIONS FOR THE PROVINCE OF ALBERTA

Short Title

1. These regulations may be cited as the *Alberta Fishery Regulations*.

Interpretation

2. In these regulations,

- (a) "angling" means the taking of fish with hook and line held in the hand, or with hook and line and rod, the latter held in the hand, and includes trolling for sport or family use only, and not for sale or barter, but does not include set lines or lines tied to a boat;
- (b) "angling permit" means a permit which authorizes the taking of fish by angling, for sport or family use only, but not for sale or barter;
- (c) "closed season" means a specified time during which fish may not be taken;
- (d) "commercial licence" or "fisherman's licence" means a licence that authorizes the catching of fish for sale or barter;
- (e) "Department" means the Department of Land and Forests of the Province of Alberta;
- (f) "domestic licence" means a licence which authorizes fishing for the use of the licensee and his family but not for sale or barter;
- (g) "Fish and Game Commissioner" means the Fish and Game Commissioner in charge of the administration of fisheries for the Province of Alberta;
- (h) "gillnet" means a net that catches fish by enmeshing them but does not enclose an area of water;
- (i) "lake trout" means salmon trout or Great Lake trout;
- (j) "Metis" means a person of mixed white and Indian blood having not less than one-quarter Indian blood, but does not include either an Indian or a non-treaty Indian, as defined in the Indian Act;
- (k) "Minister" means the Minister of Lands and Forests for the Province of Alberta;
- (l) "non-resident" means any person whose domicile is not in the Province or who has not resided continuously in the Province for a period of six months immediately preceding the granting of a fishing licence or permit;
- (m) "officer" means any fishery officer, fishery inspector, fishery guardian, game guardian, game officer or forest officer employed by the authority of the Minister, or any police constable, police officer and any other officer or person authorized to assist in the enforcement of the Fisheries Act and regulations made thereunder;

Fisheries Act—continued

- (n) "one day" means, for the purpose of angling, the time between one hour before sunrise and two hours after sunset;
- (o) "Province" means the Province of Alberta;
- (p) "trap-net" or "pound-net" means an apparatus that catches fish without enmeshing them, and consists of a leader and an enclosure into which enclosure the fish are guided by the leader;
- (q) "trout, grayling and Rocky Mountain whitefish" includes cut-throat, rainbow, Kamloops, Loch Leven, brown, Dolly Varden, speckled and Great Lake trout, or any hybrid trout, Arctic or Montana grayling and Rocky Mountain whitefish.

Application

3. These regulations apply to the taking of fish in all waters in the Province other than in waters of the National Parks of Canada.

4. Nothing in these regulations shall be taken to authorize the granting of fishery leases or licences conferring an exclusive right to fish in waters belonging to the Province.

5. Where under these regulations any licence or permit is required to be issued or any act to be done by or on behalf of the Crown or the Department, such licence or permit may be issued and act done by or under the direction of the Minister.

Angling

6. (1) A non-resident shall not engage in angling except under a permit issued by authority of the Minister; the fee for such permit is two dollars and twenty-five cents for the season, or one dollar for three consecutive days.

(2) A resident of the Province may angle in waters of the Province that are not frequented by trout, grayling or Rocky Mountain whitefish without a permit, but in waters frequented by the said fish or any of them no one over sixteen years of age may engage in angling except under permit.

(3) Every resident of the Province is eligible for an angling permit to fish in waters frequented by trout, grayling, or Rocky Mountain whitefish; the fee for such permit is two dollars and twenty-five cents for the season, or one dollar for three consecutive days.

(4) Children under sixteen years of age do not require an angling permit.

(5) Permittees shall carry their permits on their persons and produce them at the request of any officer.

(6) Every permittee before exercising the privilege granted by his permit shall

- (a) sign his name on the permit in the space provided therefor, or
- (b) if he cannot write, in the space provided for his signature make his mark which must be duly witnessed by one person; and
- (c) no permit shall be valid unless and until the signature of the permittee is so affixed.

(7) Notwithstanding subsection (1) of section 8, in the area that is bounded on the west by the eastern boundary of Banff National Park and that is bounded on the north, east and south by the heights of land that encompass the Spray Lake drainage system, no one shall

Fisheries Act—continued

- (a) fish for, catch or kill any fish from the first day of October to the thirtieth day of June, both days inclusive, or
 - (b) catch or have in possession in any one day, more than ten trout, grayling, or Rocky Mountain whitefish, of the different species named, than aggregate more than ten fish.
- (8) In the waters of the Red Deer River and its tributaries and the North Saskatchewan River and its tributaries frequented by trout, grayling or Rocky Mountain whitefish, no one shall fish for, catch or kill any fish from October first in each year to April thirtieth following, both days inclusive.
- (9) In waters of the Athabasca River and its tributaries frequented by trout, grayling or Rock Mountain whitefish, except in the McLeod River and its tributaries, no one shall fish for, catch or kill any fish from October sixteenth in each year to May thirty-first following, both days inclusive.
- (10) In waters frequented by lake trout, no one shall fish for, catch or kill any fish from September sixteenth in each year to May fifteenth following, both days inclusive.
- (11) No one by angling shall fish for, catch or kill any fish except between the duration of time from one hour before sunrise and two hours after sunset.
- (12) No person shall, for export from the Province, sell, trade or barter, or offer for sale, trade or barter, any fish caught by angling.
- (13) No one engaged as a boatman or guide for the purpose of taking out angling or fishing parties shall exercise the privileges granted under an angling permit while so engaged.
- (14) Landing or dip-nets used as auxiliaries to angling may be used.
- (15) When a beaver pond or flowing water is frequented by trout, grayling or Rocky Mountain whitefish, no one shall angle through the ice on such pond or water.
- (16) When engaged in angling, no one shall leave a fishing line unattended.

Size Limits

7. Except as herein otherwise provided, no pickerel (dore) less than twelve inches in length, nor lake trout less than fifteen inches in length, shall be retained or kept out of the water; and anyone who takes or catches such fish of less than the said minimum measurement, which measurement shall be from the point of the nose to the centre of the tail fin, shall return such fish to the water from which it was taken, alive and if possible uninjured.

Per Diem Catch

8. (1) No one shall, in one day, catch and retain more than fifteen cutthroat, rainbow, Kamloops, Loch Leven, brown, Dolly Varden, speckled or any hybrid trout, Arctic or Montana grayling or Rocky Mountain whitefish, or fish of any of these species than will in the aggregate number more than fifteen fish; provided that no one shall, in one day, catch and retain more than twenty pounds of cutthroat, rainbow, Kamloops, Loch Leven, brown, Dolly Varden, speckled, or any hybrid trout, unless the last trout caught increases the combined weight to more than twenty pounds.

Fisheries Act—*continued*

(2) No one shall, in one day, catch and retain more than ten lake trout.

(3) No one shall, in one day, catch and retain more than twenty-five perch or goldeye, or of both species, than will in the aggregate number more than twenty-five fish.

(4) No one shall, in one day, catch and retain more than fifteen pike or pickerel, or of both species, than will in the aggregate number more than fifteen fish.

(5) No one shall, in one day, catch and retain more pike, pickerel, perch or goldeye, in aggregate or combined number, than twenty-five fish; provided that no person shall in one day take from the following described waters more than five pike and ten perch:

Barnes (Clear) Lake, in Township 44, Range 5, West of the 4th Meridian;

Arm Lake, in Township 43, Range 5, West of the 4th Meridian;
and

Jackfish Lake, in Township 52, Range 2, West of the 5th Meridian.

(6) No person fishing by angling shall, at any time, have in possession more fish than the per diem number stipulated herein; provided that where precautions are taken to protect the fish against wastage to the satisfaction of any officer, such angler may have in his possession not more than the per diem number of two days' catch of fish at any time.

Licences

9. The Minister may in his discretion, issue, authorize to be issued or refuse to issue any licence or permit for fishing in any waters of the Province, and except as provided in subsection (2) of section 6, no one shall engage in fishing until he has procured a licence or permit.

10. No person other than a British subject who is a resident of the Province is eligible for a licence to engage in domestic or commercial fishing.

11. Notwithstanding anything herein contained, the Minister may limit the number of licences to be issued in respect of any particular body of water or water area, and shall in his discretion decide which application shall be accepted under such limitations, and may limit the poundage of the various species of fish that may be taken by any licensee from such water or water area.

12. The Minister may, if at any time he is of the opinion that it is in the public interest so to do, declare that commercial fishing may be carried on in any lake or water area only by residents residing in the vicinity of such lake or water area, and such declaration shall become effective on the publication thereof in the *Alberta Gazette*.

13. (1) A domestic licence may be issued to any resident of the Province residing north of Township 61 which, except as otherwise provided in these regulations, will entitle him or a member of his family to fish with not more than one hundred yards of gill-net in waters north of Township 62; the mesh of the gill-net shall conform to the size prescribed for commercial fishing purposes during the season and in the waters in

Fisheries Act—continued

which such net is used; fish caught under such licence shall be for the domestic use of the licensee and his family only and not for sale or barter, and the fee for such licence is two dollars.

(2) Fishing under a domestic licence is permitted only on Wednesdays and Thursdays during the commercial fishing seasons, and nets shall not be lifted except once only on each Thursday between the hours of sunrise and noon.

(3) A Treaty Indian is eligible for a domestic licence which shall be issued to him free of charge and shall entitle him or a member of his family to fish with not more than one hundred yards of gill-net for the domestic use of the licensee and his family only, but not for sale or barter; the mesh of the gill-net shall conform to the size prescribed for commercial fishing purposes in the waters in which such net is used; other provisions of these regulations to the contrary notwithstanding, in waters North of Township 62 fishing under such licence for necessary daily consumption for the licensee and his family may be carried on at any time in waters that may be defined by the Fish and Game Commissioner or any officer; in other portions of the Province such fishing shall be permitted in waters defined by the Fish and Game Commissioner or any officer on Wednesdays and Thursdays only and nets shall not be lifted except once only on each Thursday between the hours of sunrise and noon.

(4) Any Metis, residing within an area reserved under the provisions of The Metis Population Betterment Act, who is a member of the Settlement Association for such area, is eligible for a domestic licence, which shall entitle him or a member of his family to fish with not more than one hundred yards of gill-net for his or their own use, and not for sale or barter; provided, however, that fishing under such licence shall be carried on only in waters contained within, or partially contained within, the area occupied by the Settlement Association of which the licensee is a member; provided, further, that such fishing shall not be carried on during the closed seasons prescribed by section 21; such permit shall be issued free of charge.

(5) Except at or near the place where a fish is caught, or on a direct route from such place to the residence of the licensee, or at such residence, or at a place that an officer has designated by permit in writing as a place where the person to whom such permit is issued may have such fish in his possession, no one shall have in his possession a fish that has been caught under authority of a domestic licence.

14. (1) A fisherman's licence, except as herein otherwise provided, entitles the licensee to fish for commercial purposes with not more than six gill-nets, having a total length of not more than six hundred yards, in waters designated in the licence, or a set line having not more than two hundred baited hooks; provided that the Minister may further limit the yardage of gill-nets to be used on any particular body of water if he deems it advisable to do so; the fee for such licence is five dollars.

(2) In waters where less than six hundred yards of gill-net are authorized, the licensee shall not fish with a greater number of gill-nets than one for each one hundred yards of gill-net so authorized.

15. A commercial licence, except as herein otherwise provided, entitles the licensee to fish with not more than ten gill-nets, having a total length

Fisheries Act—*continued*

of not more than one thousand yards, and such licence shall be issued only on the larger lakes, as directed by the Minister; the fee for such licence is ten dollars.

16. Notwithstanding anything contained in these regulations, the Minister may order any water or water area to be closed to the taking of fish under any licence or permit during any specified period.

17. Except as herein otherwise provided, no one other than the licensee shall operate a gill-net or set line with baited hooks.

18. Every licence is subject to cancellation at any time without compensation to the holder for any breach of these regulations, or when, in the opinion of the Minister, the operations under such licence have not been conducted in conformity with these regulations.

19. Fishing under a licence or permit is permitted only in the water area specified therein.

Prohibitions

20. (1) No person fishing by angling shall use more than one rod and line or one line, and not more than three hooks shall be used on any line and such hooks shall be a sufficient distance apart to prevent a fish from being hooked on more than one at the same time.

(2) The trapping or snaring of fry in streams frequented by game fish is prohibited.

(3) The liberating of live minnows in any waters other than those from which they were taken, is prohibited.

(4) The introduction of non-indigenous fish alive into the waters of the Province, except by special permission of the Minister, is prohibited; provided that in waters partly lying in an adjoining province or the Northwest Territories, as well as in the Province, the introduction of non-indigenous fish alive into such waters is prohibited unless the fisheries administration of the provinces affected, or in the case of the Northwest Territories, the Minister of Fisheries for Canada, have agreed to such introduction.

(5) The use of spears, snares, lights, firearms, dynamite or other explosive material in killing fish is prohibited.

(6) The use of bare, unbaited hooks or grapnels for taking fish is prohibited.

(7) The use of artificial light, luminous bait or any bait capable of emanating light either by artificial or natural means, for the taking of fish, is prohibited.

(8) No river or creek frequented by fish shall be obstructed by any kind of dam, trap, net or other contrivance, without first obtaining authority in writing from the Minister.

(9) The fry of food fishes shall not be at any time destroyed.

(10) No person shall use dynamite or any other explosive in any waters of the Province frequented by fish for the removal of rock, obstructions, or for any other purpose without permission in writing from the Minister.

Fisheries Act—continued

(11) The washing of any motor vehicle in any waters of the Province frequented by fish is prohibited.

(12) No person shall deposit any meat, bones, dead fish or parts thereof, or other food for fish, in any of the waters of the Province for the purpose of luring fish, known as "advance baiting".

(13) Fishing with apparatus other than gill-nets, baited hooks or by angling is prohibited.

(14) The possession of fish or fishing tackle or any other apparatus used for the catching of fish upon or along waters frequented by fish is *prima facie* evidence that the person or persons having such fish, fishing tackle or apparatus, are engaged in fishing in such waters.

(15) Except as expressly permitted or authorized by these regulations, fishing in any place in the Province is prohibited.

Closed Seasons

21. (1) Whitefish, tullibee:

(a) In waters north of or intersected by the North boundary of Township 65, no one shall fish for, catch or kill any whitefish or tullibee, from October first in each year to November thirtieth following, both days inclusive; and

(b) In all other portions of the Province, no one shall fish for, catch or kill any whitefish or tullibee from October first, in each year to December fifteenth following, both days inclusive.

(2) Pike (Jackfish), Pickerel (Dore), Perch and Goldeyes:

(a) Except by angling no one shall fish for, catch or kill any pike (jackfish), pickerel (dore), perch or goldeye from April first in each year to May fifteenth following, both days inclusive.

(3) Lake trout:

(a) In waters north of or intersected by the 55th Parallel of North latitude, no one shall fish for lake trout from September sixteenth in each year to November thirtieth following, both days inclusive; and

(b) In all other portions of the Province, no one shall fish for, catch or kill any lake trout from September sixteenth in each year to December fifteenth following, both days inclusive.

(4) Notwithstanding the closed seasons herein prescribed, the Minister may

(a) when he deems such to be in the public interest to meet changing conditions, extend any closed season for any lake or area by directing that fishing therein shall not commence until a later date than that prescribed, or that it shall terminate at an earlier date than that fixed herein; or

(b) whenever he deems it necessary so to do for the purpose of removing any particular species of fish or of preventing the loss of fish in any water area, permit fish to be taken from such water area during a closed season under the supervision of an officer.

Fisheries Act—continued*Commercial Fishing Seasons*

22. (1) Except as herein otherwise provided, winter fishing for commercial purposes shall commence on the expiry of the closed season for whitefish, tullibee or lake trout for the district, and shall cease on March thirty-first following in each year.

(2) Except as herein otherwise provided, summer fishing for commercial purposes shall extend from May sixteenth in each year to the commencement of the closed season following for whitefish, tullibee or lake trout for the district; provided that in lakes in which pike, pickerel, perch and suckers only are caught, fishing may be continued to March thirty-first following.

Marking of Boats and Nets

23. (1) Every licensee, whether fishing under a commercial licence, fisherman's licence or domestic licence, shall mark in a legible manner all boats, nets, buoys and gangs of not more than three nets in number and in winter fishing all net stakes with the initial letter and number of his licence as the case may be, to distinguish between a commercial, fisherman's and domestic licence; such letter and number shall be painted on each boat in black upon a white ground on either side of the bow above the water line, and shall be not less than six inches in height; the letter and number of the buoys shall be so placed as to be readily seen without raising the buoys from the water; the letter and number of the nets shall be so placed as to be readily seen when the nets are in boxes or on a reel, and the letter and number of net stakes shall be readily legible at all times.

- (2) Each net or gang of nets shall be marked at each end thereof
- (a) during open water fishing, by a buoy; and
 - (b) during winter fishing, by a stake, the top of which shall be at least four feet above the surface of the ice.

(3) All boats, nets, buoys and gangs of nets during open water fishing, and during winter fishing all nets fastened to stakes that are not marked as required, may be seized and confiscated.

Nets—When in Use

24. Nets are deemed to be in use

- (a) when actually in the water;
- (b) when in a fishing vessel with floats attached and either wet or dry;
- (c) when on reels or otherwise spread out to dry at, or in the general vicinity of a fishing station or fishing grounds; or
- (d) when in the general vicinity of a fishing camp or fishing grounds, in any condition.

Mesh of Nets

25. (1) In all waters of the Province containing whitefish or lake trout, except those waters hereinafter specified, the use of gill-nets with a mesh of less than five and one-half inches is prohibited; provided that in lakes where fish are small, owing to overcrowding, the Minister may authorize the use of nets of smaller mesh until the fish improve in size.

Fisheries Act—continued

(2) In waters where gill-net fishing for pickerel or perch is licensed, the gill-nets shall have a mesh of not less than four and one-half inches extension measure.

(3) In waters where gill-net fishing for tullibee or pike (jackfish) is licensed, the gill-nets shall have a mesh of not less than four inches extension measure, when in use.

(4) In any waters containing whitefish or lake trout, the Minister may, notwithstanding anything to the contrary in these regulations, authorize the use of gill-nets with a mesh of less than five and one-half inches in areas designated by the Fish and Game Commissioner or any officer; provided that where it is found that more than five per cent in weight of the fish so taken are whitefish or lake trout any officer may stop all fishing in any portion of such area.

(5) In waters where gill-net fishing is allowed, and where it is found necessary to remove any particular species of fish, the Minister may authorize the use of gill-nets with a mesh of a specified size not provided for in any of the preceding subsections.

(6) Where the size of the mesh is prescribed by these regulations or by any order made thereunder, it shall be determined by measuring the distance between the extreme angles of a single mesh, inside and between the knots, after the twine has been saturated in water and extended without strain.

Preventing Wastage of Fish

26. (1) Where an officer at any time finds that all the fish being produced in any lake cannot be sold in the fresh fish markets or placed in efficient cold storage, he may stop all fishing in such lake for such time as he deems it necessary to enable the fish that may thereafter be taken to be sold in the fresh fish markets or placed in efficient cold storage.

(2) Where it is proved to the satisfaction of the Minister that the catch or any portion thereof of any licensee, shipped or packed by such licensee was not in a fit or satisfactory condition for human consumption, when shipped or packed, or was shipped or packed in an unsanitary or unclean container, the Minister may cancel his licence; the onus shall be upon the licensee to prove that the fish were in a fit or satisfactory condition for human consumption when packed or shipped or that the containers were not in an unsanitary or unclean condition.

(3) It is conditional on the granting of any license authorizing commercial fishing during the summer season that

(a) operations thereunder shall be conducted only by means of a boat that is in a safe and seaworthy condition, and of a size sufficient to ensure daily operation and lifting of nets, and is so constructed and equipped as to ensure that fish carried therein are kept out of the water or bilge; and

(b) the licensee shall carry during operations, in the said boat, an adequate supply of crushed ice in which the catch shall be packed and shall provide a suitable cover for the catch,

and failure to comply with any or all of these conditions shall constitute an offence, and any officer may order cessation of fishing operations under such licence until all conditions are fully met to his satisfaction.

Fisheries Act—continued

(4) During the summer commercial fishing season no fish shall be transported from any boat unless packed in an adequate quantity of crushed ice in a clean and sanitary box container.

(5) During the winter commercial fishing season every catch of fish or portion thereof shall forthwith be packed in a clean and sanitary box container and shall not be transported from any lake or fishing area until so packed.

(6) In winter fishing no person shall place any running line for the setting of nets in the water without having a net or nets attached thereto, nor leave a net in the water for more than forty-eight consecutive hours without it being withdrawn from the water and the fish removed therefrom.

Time of Setting Gear

27. (1) In summer fishing, nets shall not be set or placed in the water before 8 o'clock a.m., mountain standard time, on the opening date provided by these regulations of the area in which such nets are to be used.

(2) In winter fishing no nets, nor running lines used for the setting of nets for fishing through the ice, shall be placed in the water before 8 o'clock a.m., mountain standard time, on the opening date for fishing provided by these regulations for the area in which such nets are to be used.

Keeping Ice Clean

28. During the winter fishing season, each fisherman shall be responsible for keeping the ice about his net-holes and where he is working, clean from fish offal, unsaleable fish or other deleterious substance; each fisherman shall each day either remove or have removed from the ice to a suitable place on shore, at least fifty feet above high water mark, all offal or other deleterious substance, or he shall, each day, place or have it placed in boxes and have it taken ashore and there properly disposed of at least fifty feet above high water mark, but in every case it shall be removed and disposed of within five days of the end of the fishing season and daily thereafter; any fisherman failing to comply with these requirements is liable to penalties provided by the Fisheries Act, and to have his licence cancelled, or a licence refused for the following season.

Limitation of Catch

29.(1) The total quantity of fish that may be taken in any season from any water in the Province may be limited by the Minister from time to time, and notice of any such limitation, stating clearly the water area and limitation, shall be published in the Alberta Gazette, at least two weeks before the opening of the fishing season to which the limitation is applicable; provided that in respect of the catch limits so prescribed, the Minister may set apart the whole or a portion of any such catch limit, from a lake within, or partially contained within an area reserved under the provisions of The Metis Population Betterment Act; and provided, further, that any limit so set apart shall not be fished for or caught by other than a Metis who is a member of a Settlement Association for an area reserved under the said Act.

(2) When in the opinion of an officer the limit determined by the Minister is reached or about to be reached in any fishing area, the officer

Fisheries Act—continued

shall order in writing or verbally that all nets in use shall be removed from the water before a set day or hour, and any fisherman who refuses or neglects to so remove his fishing equipment before the expiration of such day or hour is liable to the penalties provided in the Fisheries Act and, in addition, his fishing equipment is liable to seizure and confiscation, as well as fish taken after he was instructed to remove his nets from the water.

Returns

30. (1) Every licensee shall at the request of the Minister or a fishery officer furnish a true return, covering the period specified by the Minister or such fishery officer, containing the amount in pounds of each species of fish taken during such specified period, under licence, together with the approximate value of each species of fish.

(2) Every licensee shall on or before March thirty-first in each year make an annual return, showing the amount in pounds of each species of fish taken during the year under such licence, together with the approximate value of each species of fish, as well as the amount and value of equipment used under his licence; any licensee who fails to make such return on or before April fifteenth in each year to the local fishery officer, or direct to the Fish and Game Commissioner at Edmonton, Alberta may be refused a renewal of his licence for the following year, and is liable to the penalties provided by the Fisheries Act.

(3) The owner or manager of every fish-curing or canning establishment, fresh fish business or establishment, or cold storage warehouse in which freshwater fish are accepted for storage, shall, at the request of the Minister or of any fishery officer, furnish a true return, covering the period specified by the Minister or such fishery officer, containing all or any one or more of the following particulars:

- (a) amount in pounds of each species of all fish bought;
- (b) amount in pounds of each species of all fish obtained on consignment;
- (c) from whom purchased or the name of the consignee;
- (d) the value of each species of all fish bought;
- (e) amount in pounds of each species of all fish packed or canned;
- (f) the quantity of each species of all fish in storage or on hand;
- (g) the number of fishermen employed and their nationality;
- (h) the number of shore workers employed;
- (i) the quantity and value of fishing gear used;
- (j) the number and value of buildings and fixtures used; and
- (k) such other details and particulars as may be required by the Minister or such fishery officer.

Provided, however, that unless otherwise required, the returns mentioned in this section shall refer only to fish taken from the waters of the Province.

Possession and Sale of Trout Artificially Propagated

31. (1) Any person engaging in propagating and maintaining trout, may upon receiving a permit from the Fish and Game Commissioner, dispose of such trout for use as food or for stocking purposes, at any season of the year, provided that each trout disposed of for other than

Fisheries Act—continued

stocking purposes has securely attached to it a metal tag inscribed with the number of his permit and the name or abbreviation for the name of the Province.

(2) No tag shall be used more than once.

(3) Live trout disposed of for stocking purposes need not be marked.

(4) Any person may buy, sell or possess for use as food at any season of the year, trout that have been artificially propagated and maintained, and that were disposed of under the authority of the permit referred to in subsection (1); provided that each trout has firmly attached to it the tag prescribed in this section; such tag shall be removed and destroyed by or at the instance of the last purchaser of the trout.

(5) Every person who is granted a permit shall make a written report to the Fish and Game Commissioner during the month of January of each year which shall show,

- (a) the number of trout of each species of different ages that were in the ponds or other reserves of the permittee at the end of the previous year;
- (b) the number of eggs of each species obtained during the previous year from fish in the ponds or other reserves of the permittee;
- (c) the number of eggs from fish outside such ponds or other reserves;
- (d) the number of fry of each species hatched by the permittee;
- (e) the number of each species with ages thereof obtained by the permittee for stocking purposes from outside his ponds or other reserves;
- (f) the number of eggs of each species sold; and
- (g) the number of trout of each species disposed of under tag for food purposes.

Construction of Fishways

32. (1) Every slide, dam or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, or canal around the slide, dam or other obstruction, which shall be maintained in a good and effective condition by the owner or occupier, in such place and of such form and capacity as will, in the opinion of the Fish and Game Commissioner, satisfactorily permit the free passage of fish; where it is determined by the Minister in any case that the provision of an efficient fishway or canal around the slide, dam or other obstruction is not feasible, or that spawning areas above such slide, dam, or other obstruction are destroyed, the Minister may require the owner or occupier of such slide, dam or other obstruction to pay to him from time to time such sum or sums of money as he may require to construct, operate and maintain such complete fish hatchery establishment as will, in his opinion, meet the requirements for maintaining the annual return of migratory fish.

(2) The place, form and capacity of the fishways or canal may be prescribed by any fishery officer by notice in writing; provided that immediately after the fishway is completed and in operation the owner or occupier of any dam or obstruction shall make such changes and adjust-

Fisheries Act—continued

ments, at his own cost, as will, in the opinion of the Fish and Game Commissioner, be necessary for its efficient operation under actual working conditions.

(3) Every fishway and canal shall be kept open and unobstructed and shall be supplied with such sufficient quantity of water as the Fish and Game Commissioner considers necessary to enable fish frequenting the waters in which such fishway or canal is placed to pass through the same during such times as are specified by any fishery officer; where leaks in a dam cause a fishway therein to be inefficient, the Minister may require the owner or occupier of such dam to prevent such leaks therein.

(4) The Minister, in order to procure the construction of any fishway or canal, pending proceedings against any owner or occupier, may make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and material for such purpose, and may recover from the owner or occupier the whole expense so incurred by action in the name of Her Majesty in the right of the Province.

(5) Where unused slides, dams, obstructions or anything detrimental to fish exist, and the owner or occupier thereof does not after notice given by the Fish and Game Commissioner remove the same, or if the owner is not resident in Canada, or his exact place of residence is unknown, the Minister may, without being liable to damages, or in any way to indemnify the said owner or occupier, cause the said slide, dam, obstruction or anything detrimental to fish life to be removed or destroyed, and where notice has been given to the owner or occupier, may recover from the owner or occupier the expense of so removing or destroying the same.

(6) The Minister may require the installation and maintenance by the owner or occupier of such fishstops or diverters, both above and below any dam or obstruction, as will, in his opinion, be adequate to prevent the destruction of fish and to assist in their ascent.

(7) At every dam or obstruction, where the Fish and Game Commissioner determines it to be necessary, the owner or occupier thereof shall, when required by the Fish and Game Commissioner, provide a sufficient flow of water over the spillway or crest, with connecting sluices into the river below, to permit the same and unimpeded descent of fish.

(8) The owner or occupier of any dam or obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish, during the period of construction thereof.

Sturgeon

33. No one shall fish for, catch or kill any sturgeon.

Fish Sanctuaries

34. (1) No fishing is permitted at any time in that part of the Bow River or Canadian Pacific Irrigation canal flowing through the Inglewood Bird Sanctuary within the limits of the City of Calgary.

(2) The Minister may authorize any stream, river or other water area of the Province to be set apart for the natural or artificial propagation of fish.

(3) No person shall fish in any stream, river or other water area set apart for the propagation of fish.

Fisheries Act—continued*General*

35. Every person having fish in his possession shall upon the request of an officer produce evidence showing where or from whom such fish were obtained; failure to produce such evidence to the satisfaction of the officer is *prima facie* evidence that the fish were caught in violation of the Fisheries Act or the regulations thereunder by the person in whose possession they were found.

36. Nothing in these regulations contained precludes the granting by the Minister of written permission to obtain fish and fish spawn for stocking, artificial breeding or scientific purposes

37. The Minister may authorize the placing and maintaining of barriers, screens or other obstructions in streams to prevent the escape of fish held for breeding purposes or any other purpose which he deems in the public interest, and no person shall injure such barrier, screen or obstruction.

38. No one shall erect, use or maintain in any of the waters of the Province, whether subject to any exclusive right of fishery or not any net, fascine fishery or other device which, in the opinion of the Minister or any officer, unduly obstructs the passage of fish.

39. (1) Every ditch, channel or canal constructed or adapted in the Province for conducting water from any lake, river or stream for irrigation, manufacturing, domestic or other purposes, shall, if the Minister deems it necessary in the public interest, be provided at its entrance or intake with a fish guard or a metal or wire grating, covering or netting, so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal.

(2) Such fish guards shall have meshes or holes not more than three-eighths of an inch in diameter, and shall be built and maintained by the owner of such ditch, channel or canal, subject to the approval of the Minister or of such officer as he may appoint to examine it.

(3) The owner or occupier of such ditch, channel or canal shall maintain such fish guard in a good and efficient state of repair, and shall not permit its removal except for renewal or repair, and during the time such renewal or repair is being effected the sluice or gate at the intake or entrance shall be closed and the passage of fish into the ditch, channel or canal prevented.

40. No one shall catch, fish for, take, buy or sell, possess or export any fish for the purpose of converting it into manure, guano or fertilizer, or for the manufacture or conversion of such fish into oil or manure or other fertilizing product, except under authority of the Minister; but the Minister may, by notice published in the Alberta Gazette, except any kind or kinds of fish from the operation of this section and may at any time, by a notice similarly published, withdraw such exception.

41. Disputes between persons relative to fishing limits or claims to fishery stations, or relative to the positions and use of nets and other fishing apparatus, shall be settled by a fishery officer or by the Fish and Game Commissioner.

42. Fishery officers may determine or prescribe the distance between each fishery and shall forthwith remove any fishery apparatus or materials

Fisheries Act—continued

which the owner neglects or refuses to remove, and such owner is liable for a violation of these regulations and for the cost of removing such apparatus and materials and any damage that may result therefrom.

43. The Minister may at any time amend or rescind any order made by him under the authority of these regulations.

Baptiste Lake

44. Fishing by means of nets of any kind in the narrows of Baptiste Lake is prohibited.

(10) Northwest Territories Fishery Regulations

P.C. 1954-1626

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 28th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Special Fishery Regulations for the Northwest Territories established by Order in Council P.C. 3057 of 23rd June, 1950, as amended, are hereby revoked; and

2. The annexed "Northwest Territories Fishery Regulations" are hereby made and established in substitution for the regulations hereby revoked.

NORTHWEST TERRITORIES FISHERY REGULATIONS

Short Title

1. These regulations may be cited as the *Northwest Territories Fishery Regulations*.

Definitions

2. In these regulations,

- (a) "angling" means the taking of fish with hook and line held in the hand, or with hook and line and rod the latter held in the hand, and includes trolling for sport fish for family use only, but not for sale or barter, and does not include set lines or lines tied to a boat;
- (b) "Chief Supervisor" means the Chief Supervisor of the Department of Fisheries, Winnipeg, Manitoba;
- (c) "gill net" means a net to catch fish by enmeshing them but which does not enclose an area of water;
- (d) "Indian" means an Indian as defined in the Indian Act;
- (e) "Metis" means a person of mixed Indian and white blood having not less than one quarter Indian blood;

Fisheries Act—continued

- (f) "Minister" means the Minister of Fisheries;
- (g) "non-resident" means a person who has not resided continuously in the Northwest Territories for a period of six months immediately preceding his application for a licence;
- (h) "officer" means a fishery officer, fishery guardian, or a member of the Royal Canadian Mounted Police; and
- (i) "sport fish" means fish that is taken for pleasure and not for sale or barter.

Application

3. These regulations apply in all waters of the Northwest Territories and in the tidal waters of the provinces of Manitoba and Ontario.

General

4. (1) Except as provided in subsection (2), no person shall fish in any of the waters to which these regulations apply without a licence.

(2) A prospector, trapper, surveyor or explorer, engaged in his occupation, or an Indian, Eskimo, Metis, a member of the Royal Canadian Mounted Police, a member of a religious or educational institution, a local representative of the Government of Canada, a holder of a current trapping or trading licence, may fish at any time with gill nets of any mesh, with baited hooks or by angling, for his own domestic use or for feeding his dogs but not for sale or barter.

(3) In the immediate locality of his residence an Indian, Eskimo or Metis may, with the permission of an officer, sell or barter fish surplus to his domestic use or to feeding his dogs.

(4) A licence may be issued to an Indian or an Eskimo without payment of any fee.

(5) No person shall introduce non-indigenous fish alive into any of the waters of the Northwest Territories except by authority of the Minister.

(6) No person shall use any bait or line capable of giving off light either by natural or artificial means.

Commercial fishery

5. (1) Fees for gill net licences under this section are

(a) Fisherman's licence:

- (i) Resident\$ 5.00
- (ii) Non-resident 15.00

(b) Commercial licence:

	<i>Summer Season</i>	<i>Winter Season</i>
(i) Resident	\$10.00	\$10.00
(ii) Non-resident	20.00	20.00

(2) The fee for a commercial trap net licence is \$5.00 for each net for each season.

6. (1) The holder of a fisherman's licence may fish in the waters designated in such licence by operating by himself not more than six gill nets with a total length of not more than six hundred yards.

Fisheries Act—continued

(2) The holder of a commercial licence may fish in the waters designated in such licence by operating by himself not more than ten gill nets with a total length of not more than one thousand yards.

(3) The holder of a commercial trap net licence may fish in that part of Great Slave Lake designated in the licence with one commercial trap net.

(4) No person other than a Canadian citizen shall be eligible for a fisherman's or a commercial licence unless such person has served overseas in Her Majesty's Canadian Forces.

7. (1) A licensee shall mark legibly with the number of his licence preceded by the letter F if operated under a Fisherman's licence or by the letter C if operated under a commercial licence,

- (a) his boat on either side of the bow above the water line and on the deck or on top of the pilothouse or deck cabin;
- (b) every net so as to be readily visible when the net is on boxes or a reel;
- (c) every buoy so as to be readily visible without raising the buoy from the water; and
- (d) every net stake so as to be readily visible at all times.

(2) Such letters and numbers shall be not less than six inches high and painted or otherwise marked in black on a white foreground.

(3) Every gang of nets shall be marked at each end during open water fishing by a buoy, and during winter fishing by a stake the top of which shall be at least four feet above the surface of the ice.

8. A licensee shall not operate more than one boat at any time.

9. A net shall be deemed to be in use within the meaning of this section when it is

- (a) in the water;
- (b) in a fishing boat with floats;
- (c) on reels or otherwise spread out to dry at or in the general vicinity of a fishing station or fishing grounds;
- (d) kept with floats attached in boxes at or in the general vicinity of a fishing station or fishing grounds;
- (e) on the ice with floats attached at or in the general vicinity of a fishing camp or fishing grounds; or
- (f) wet or frozen or otherwise appears to have been in use recently.

10. (1) Except with the permission of the Minister no licensee shall fish with a gill net having a mesh of less than five and one-half inches.

(2) No licensee shall fish with a gill net that is less than one hundred yards in length.

(3) Where the size of the mesh of nets is prescribed by these regulations or any order made thereunder it shall be determined by measuring the distance between the extremes of a single mesh, inside and between the knots, after the twine has been saturated in water and extended without strain until taut.

(4) No person shall engage in fishing operations in a boat that carries a greater length of gill net than the total length authorized by the licences of the occupants of the boat.

Fisheries Act—continued

11. (1) No person shall fish for, catch or kill any whitefish, tullibee, lake trout or inconnu from the sixteenth day of September to the thirtieth day of November both days inclusive.

(2) No person shall fish for, catch or kill any pike or pickerel from the first day of April to the fifteenth day of May, both days inclusive.

12. Notwithstanding the close times herein prescribed the Minister may, when he deems such action is in the public interest,

(a) extend any such close time for any lake or area, and

(b) permit fish to be taken from any water area during a close time under the supervision of an officer.

13. (1) Winter fishing commences at the expiry of the close time for whitefish, tullibee, lake trout and inconnu, and ends on March thirty-first following.

(2) Summer fishing extends from May sixteenth to September fifteenth, both days inclusive, but in lakes in which pike and pickerel only are caught fishing may be continued until March fifteenth.

14. The quantity of fish that may be taken in any season from any water area may be limited by the Minister; notice of such limitation stating clearly the water area and limitation shall be published in the *Canada Gazette*.

15. When in the opinion of an officer the limit determined by the Minister is reached or about to be reached in any fishing area, such officer shall order that all nets in use be removed from the water before a set day or hour; no person shall leave his net or nets in the water after the day or hours so set.

16. Any person who erects or maintains a structure upon the ice shall remove such structure at the direction of an officer.

17. If at any time an officer finds that all fish being caught in any waters cannot be sold in the fresh fish markets or placed in efficient cold storage he may prohibit all fishing in such waters until fish caught therein can be sold in the fresh fish markets or placed in efficient cold storage.

18. Where it is proved to the satisfaction of the Minister that the catch or any portion thereof, shipped or packed by any licensee was not fit for human consumption when shipped or packed, or was shipped or packed in an unsanitary container, the Minister may cancel his licence and the onus shall be on the licensee to prove that the fish were fit for human consumption when packed or shipped or that the containers were not unsanitary.

19. All licences to authorize fishing during the open water season are subject to the following conditions:

(a) All operations under such licence shall be with a vessel constructed and equipped to ensure that fish carried therein are kept out of water or bilge; and

(b) During operations under such licence the licensee shall carry aboard the vessel an adequate supply of crushed ice in which the catch shall be packed and shall provide a suitable cover for the catch.

Fisheries Act—continued

20. If any licensee does not comply with the conditions set out in section 19 a fishery officer may order cessation of fishing operations under the licence until the conditions are met to his satisfaction.

21. Except for the feeding of dogs under the provisions of subsection (2) of section 4, no person shall have fish in his possession for sale or barter which is unsanitary or unfit for human consumption.

22. Except with the permission of an officer, no person shall leave a gill net in the water for more than thirty consecutive hours without withdrawing it from the water and removing any fish from such net.

23. Every person shall remove to a gurry ground designated by a fishery officer any deleterious substance or thing including dead or decaying fish or remnants thereof that are in the area of his net-holes or where he is working, or which he has put or permitted to be put on the ice in such area.

24. (1) In summer fishing no person shall set or place a net in the water before twelve o'clock noon, mountain standard time, on the opening date specified for the area in which such nets are to be used.

(2) In winter fishing no person shall place runing lines (used for the setting of nets in fishing through the ice) in the water more than twenty-four hours before the opening date for fishing; no person shall place a net in the water before twelve o'clock noon, mountain standard time, on the opening date for fishing specified for the area in which such nets are to be used.

25. (1) No person shall fish in that part of Great Slave Lake

(a) in the Taltheilei Narrows between latitude 62 degrees 27 minutes north of longitude 111 degrees 22 minutes west; or

(b) within five miles of the shore between Point des Roches (latitude 60 degrees 15 minutes north, longitude 116 degrees 07 minutes west) and Fish Point (latitude 60 degrees 50 minutes north, longitude 115 degrees 22 minutes west).

(2) No person shall fish in those parts of Great Slave Lake, Marion Lake or Russell Lake lying within ten miles of the settlement of Fort Rae.

26. (1) Under authority of a commercial trap net licence, no person shall fish for, catch or kill any fish smaller in length from the tip of the snout to the fork of the tail than the following:

Lake trout	20 inches
Whitefish	16 inches
Inconnu	32 inches
Yellow pickerel	15 inches
Goldeye	12 inches

(2) Any fish caught below the limits mentioned in subsection (1) shall be returned to the water immediately.

(3) Under authority of a commercial trap net licence, no person shall fish for, catch or kill grayling of any size; and any grayling taken shall be returned to the water immediately.

Fisheries Act—continued*Angling*

27. The annual fees for a licence to engage in angling are one dollar for residents and two dollars for non-residents.

28. Under authority of an angling licence a person may angle for sport fish.

29. No person shall angle for trout from the first day of October to the fifteenth day of May, both days inclusive, nor for grayling from the sixteenth day of September to the fifteenth day of May, both days inclusive.

30. No person shall take from the water any trout or grayling measuring in length less than twelve inches from the tip of the snout to the centre of the tail.

31. No person shall fish for, catch or kill by angling in one day more trout and grayling than twenty of which not more than ten shall be trout.

32. No person shall angle for pike, pickerel (yellow pike perch), dore or wall-eyed pike between the first day of April and the fifteenth day of May, both days inclusive.

33. No person shall fish for, catch or kill by angling in one day more than ten pickerel (yellow pike perch), dore or wall-eyed pike.

34. The Chief Supervisor may prohibit angling in any water area for any time he deems necessary for the conservation of fish therein; public notice of such prohibition posted once in the post office of the district shall constitute notice of such prohibition.

(11) Yukon Territory Fishery Regulations

P.C. 1954-460

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of March, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of the Fisheries Act, is pleased to order as follows:

1. The Yukon Territory Fishery Regulations established by Order in Council P.C. 3923 of 1st October, 1947, as amended, are hereby revoked; and

2. The annexed "Yukon Territory Fishery Regulations" are hereby made and established in substitution for the regulations hereby revoked.

YUKON TERRITORY FISHERY REGULATIONS*Short Title*

1. These regulations may be cited as the *Yukon Territory Fishery Regulations*.

Fisheries Act—continued

Definitions

2. In these regulations,

- (a) "angling" means the taking of fish with a line equipped with not more than two baited hooks with or without a rod;
- (b) "Minister" means the Minister of Fisheries.

Licences

3. (1) Three classes of annual licences are issued in the Territory: domestic, commercial and angling licences.

(2) No person not in possession of a licence issued pursuant to these regulations shall fish by means of a net except

- (a) prospectors, surveyors or other persons while engaged in exploration, survey or mining operations or other examination of the Territory, taking fish for their own domestic use;
- (b) Indians taking fish for their own and their bands' domestic use.

(3) In commercial fishing no person shall use

- (a) any boat unless the boat is marked with a number corresponding to the number of the licence issued to such person, and unless the boat has the number and the initials of its owner painted on both sides of the bow in black on white ground in figures and letters not less than six inches high; or
- (b) any net unless the net is marked with a number corresponding to the number of the licence issued to such person, and unless the net has the licence number and initials of its owner legibly marked in white on floating buoys attached to each end of the net.

(4) Any commercial fishing licence issued shall be valid only in respect of the boat and gear owned by the licensee.

Domestic Licence

4. (1) A resident who is a British subject is eligible for a domestic licence which authorizes him or a member of his family to fish with not more than three hundred yards of gill-net.

(2) The fee for a domestic licence is five dollars.

(3) Fish caught under a domestic licence shall be taken for domestic use only.

Commercial Licence

5. (1) A resident who is a British subject or any Canadian company or firm operating in the Territory is eligible for a commercial licence.

(2) There are three classes of commercial licences: fishing tug licence, sail boat or other boat licence, and fishwheel licence.

(3) The holder of a fishing tug licence shall use not more than one fishing tug and not more than ten thousand yards of whitefish, lake trout, pike or tullibee gill-net.

(4) The fee for a fishing tug licence is forty dollars for the tug and two dollars for every five hundred yards of net or fraction thereof.

Fisheries Act—continued

(5) The holder of a sail boat or other boat licence shall use not more than one sail or other boat and not more than two thousand yards of whitefish, lake trout, pike, sucker or tullibee gill-net, one hundred yards of salmon gill-net, and one hundred yards of grayling gill-net.

(6) The fee for a sail boat or other boat licence is twenty dollars.

(7) The holder of a fishwheel licence shall use no more than one fishwheel for salmon fishing in the Yukon River.

(8) The fee for a fishwheel licence is thirty dollars.

Angling Licences

6. (1) No person shall fish by angling without a licence unless he is a resident under the age of sixteen years or unless he is otherwise exempt by these regulations.

(2) The annual fees for a licence to engage in angling are one dollar for residents and two dollars for non-residents.

(3) No person shall fish for, catch or kill by angling in one day more trout and grayling than twenty, of which not more than five shall be lake trout and not more than ten be trout of all kinds.

(4) No person shall fish for, catch or kill by angling any trout or grayling of any kind under eight inches in length, and when any such fish are caught they shall be returned to the water immediately; the length shall constitute the distance from the tip of the snout to the centre of the tail.

(5) When the Officer Commanding, Royal Canadian Mounted Police, Yukon Territory deems it necessary for the protection of trout and grayling he may prohibit angling in any lake or stream or part thereof at any time; a public notice of such prohibition posted once in the post office for the district shall constitute legal notice of such prohibition.

(6) No person shall fish, except by fly-surface fishing, in the waters below and including Kathleen Bridge on the Haines Road to and including the third Kathleen Lake and the waters of the Aishihik River including and below Otter Falls to the Northwest Highway System Bridge at Mile Post 996.1.

Mesh of Nets

7. (1) No person shall use a gill-net with a mesh that when extended measures less than four inches if such net is to be used in whitefish, lake trout, pike or sucker fishing; less than three and three-quarter inches if it is to be used in tullibee fishing; less than six inches if it is to be used for salmon fishing; or less than two and one-half inches if it is to be used in grayling fishing.

(2) No person shall use in waters frequented by whitefish, a gill-net with a mesh that when extended measures less than four inches.

Closed Seasons

8. (1) No person shall fish for, catch or kill,

(a) any whitefish or tullibee from the first day of September to the thirtieth day of November, both days inclusive,

(b) any lake trout (salmon trout) from the first day of September to the thirty-first day of October, both days inclusive,

Fisheries Act—continued

- (c) any grayling, from the fifteenth day of April to the thirty-first day of May, both days inclusive,
- (d) any rainbow, Kamloops, steelhead or cut-throat trout, from the fifteenth day of May to the thirtieth day of June, both days inclusive,
- (e) any char (Dolly Varden) from the first day of November to the thirtieth day of March following, both days inclusive.

(2) When the Officer Commanding, Royal Canadian Mounted Police, Yukon Territory, deems it necessary for the conservation of the fisheries he may prohibit all holders of any class of commercial licences from fishing in a designated non-tidal water or portion thereof for all or any species of fish; a public notice of such prohibition posted once in the post office for the district shall constitute legal notice of such prohibition.

Prohibitions

9. (1) No person shall in fishing use pound nets or trap nets, but Indians of the Territory may continue to use their aboriginal traps to take fish for food.

(2) No person shall use spears, lights, firearms, dynamite or other explosive materials, sticks, clubs or hand nets in fishing.

(3) No person shall use bare unbaited hooks or grapnels in fishing.

(4) No person shall sell or barter or attempt to sell or barter fish caught for domestic use or fish caught by angling.

(12) British Columbia Fishery Regulations

P.C. 1954-1910

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and pursuant to section 34 of the Fisheries Act, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of British Columbia, established by Order in Council P.C. 5887 of 22nd November, 1949, as amended, are hereby revoked; and

2. The annexed "Fishery Regulations for the Province of British Columbia" are hereby made and established in substitution for the regulations hereby revoked.

FISHERY REGULATIONS FOR THE PROVINCE OF BRITISH COLUMBIA

Short Title

1. These regulations may be cited as the *British Columbia Fishery Regulations*.

Fisheries Act—continued*Interpretation*

2. In these regulations,

- (a) “angling” means the taking of fish with hook and line with or without a rod and includes trolling for sport fish but does not include set lines, or lines tied to a boat or jigging, or any equipment that involves the use of more than one line, such as what is known as an “otter” ;
- (b) “Chief Supervisor” means the Chief Supervisor of Fisheries for British Columbia of the federal Department of Fisheries;
- (c) “close season” means a specified period in which fish may not legally be taken;
- (d) “dip-net” means a net, the bottom of which is closed to form a bag, hung on a ring or frame attached to a pole or handle;
- (e) “drag-seine” means a net weighted at the bottom and floated at the top, cast from a boat so as to enclose a space of water between it and the shore, and then drawn ashore;
- (f) “fishery officer” means an officer having authority from the Department of Fisheries and includes, for the non-tidal waters of the Province, all game wardens and provincial constables appointed by or having authority from the Attorney General for British Columbia;
- (g) “fishery guardian” means a guardian employed by authority of the Minister;
- (h) “fishing boundary sign” means a triangular sign or marker, of which the sides are more or less equal and at least five feet in length and five inches more or less in width, established by a fishery officer or guardian to designate a fishing limit or other point;
- (i) “gill-net” or “drift-net” means a floating gill-net that is neither anchored nor staked, but floats freely with the tide or current;
- (j) “grilse” means salmon of three pounds in weight or less undressed;
- (k) “jigging” means catching or attempting to catch a fish by impaling it on a hook through some part of the body instead of inducing fish to take the hook into its mouth, as in angling;
- (l) “Minister” means the Minister of Fisheries for Canada;
- (m) “open-set” means occupying any length of time over twenty minutes in casting and closing a purse-seine from the moment that any part of the seine-webbing or float line first touches the water until the seine is closed by both ends of the web being drawn together;
- (n) “purse-seine” means a net weighted at the bottom and mounted with rings through which a line is run or is floated at the top and cast from a boat so as to enclose an area of water, and is then closed at the bottom by the aforesaid line through the rings to form a purse or bag;
- (o) “scouting” means prospecting or searching for herring;
- (p) “set-net” means a net, other than a trap-net, that is anchored, staked or otherwise attached to the shore or bottom or to an anchored boat, buoy or other float to prevent it drifting freely with the current;

Fisheries Act—continued

- (q) "sport fish" means fish that are taken for pleasure and are not intended for or used for sale or barter;
- (r) "sport fishing" mean fishing for pleasure and not for sale or barter;
- (s) "trap-net" or "pound-net" means an apparatus that catches fish without enmeshing them consisting of a leader and an enclosure with a bottom into which the fish are guided by the leader;
- (t) "trolling" means fishing by means of a lure drawn behind a boat or other floating equipment of any kind; and
- (u) "trout" includes steelhead, rainbow, Kamloops, brown (Loch Leven), cutthroat and char, dolly varden, eastern brook and so-called lake trout.

Application

3. These regulations apply to the tidal and non-tidal waters of the Province of British Columbia but do not apply to waters in national parks of Canada.

Fees

4. Except as herein otherwise provided the fees for licence to fish shall be as set out in Schedule B to these regulations.

Abalone

5. No person shall fish for, catch, buy, sell or have in possession any abalone that measures less than two and one-half ($2\frac{1}{2}$) inches across the shortest diameter of the shell.

Clams

6. (1) No person shall dig for or take, have in possession, buy, sell or attempt to sell any razor clam that measures less than three and one-half ($3\frac{1}{2}$) inches, and any butter clam that measures less than two and one-half ($2\frac{1}{2}$) inches, any little-neck clam (*Venerupis*) that measures less than one and one-half ($1\frac{1}{2}$) inches across (that is, through) the longest diameter of the shell.

(2) Subject to the provisions of subsection (4), no person shall dig for or take, have in possession, buy, sell, or attempt to sell or export, any fresh or live butter or little-neck clams or mussels from June first to October thirty-first in each year, both days inclusive.

(3) No person shall dig for or take any razor clams from July first to October thirty-first in each year, both days inclusive.

(4) The Chief Supervisor may prohibit digging for or taking clams in any area or areas at an earlier date than the beginning of the close times should he deem such to be necessary and he may permit digging for or taking of a sufficient quantity of razor clams in district No. 2 during the close season to meet the bait requirements of the crab fishery.

(5) No person shall fish for or take clams of any variety from Seal Island in the vicinity of Comox until the first day of January, 1960, except for experimental purposes with the consent of the Minister of Fisheries for British Columbia.

(6) No person shall use any mechanical digger, apparatus or dredge for the purpose of taking any species of clams.

Fisheries Act—continued

(7) No person shall dig for or take clams, mussels or oysters of any variety from Nanaimo Harbour, Exit Channel, and adjacent waters lying inside, or south of, a straight line from Pimbury Point, through Newcastle and Protection Islands to Jack Point.

Cod

7. (1) No person shall fish for, catch or kill any so-called ling cod (*Ophiodon elongatus*) in the waters of District No. 1, or in the portion of the waters of District No. 1, or in the portion of the waters of District No. 3 that is on the east side of Vancouver Island, from the first day of December in each year to the last day of February following both days inclusive; any ling cod that may be caught while fishing for other varieties of fish during such close season shall be returned to the water immediately.

(2) No person shall fish for or catch by any means for commercial purposes, any of the so-called ling cod or cod embraced in the genus *Sebastes* in any part of the province except under licence from the Minister; each person in a boat used in fishing for cod shall be required to have a licence; the fee for such licence is one dollar.

(3) No person shall fish for, catch, buy, sell or have in possession, any so-called ling cod (*Ophiodon elongatus*) of a size which when dressed, head off, shall weigh less than three (3) pounds in weight, and any so-called ling cod under that weight that may be caught shall be returned to the water immediately.

(4) No person shall fish for, catch, buy, sell or have in possession any black cod (sablefish) which when dressed, head off, shall weigh less than four and one-half ($4\frac{1}{2}$) pounds, and any black cod (sablefish) under that weight that may be caught shall be returned to the water immediately.

Crabs

8. (1) No person shall fish for, catch, kill, retain, buy, sell or have in possession any crab that measures less than six and one-half ($6\frac{1}{2}$) inches across (that is through) the longest diameter or greatest breadth of the shell.

(2) No person shall fish for, catch, kill, injure or have in possession any soft-shell or egg-bearing crab, and any such crab that may be caught shall be returned to the water immediately.

(3) A licensee shall at all times, when engaged in fishing carry his licence with him, and shall on demand by a fishery officer or guardian produce his licence to such fishery officer or guardian.

(4) Each line of crab traps shall be marked with a floating tag or buoys attached to each end of the line; the initials of the licensee and the number of his licence shall be legibly painted in white on black ground on such tag or buoy.

(5) The fee for a crab fishery licence is one dollar, but no licence shall authorize the use of more than nine hundred (900) traps.

(6) No fisherman may be granted more than one crab fishery licence.

(7) No person shall fish for, catch or kill any crab in the following described waters in the vicinity of the City of Vancouver;

(a) that portion of English Bay and False Creek lying inside, that is easterly, of a straight line drawn from Prospect Point to Discovery Street;

Fisheries Act—continued

- (b) that portion of Burrard Inlet lying between First Narrows bridge and Second Narrows Bridge.
- (8) (a) No person shall fish for, catch or kill crabs in Naden Harbour on the north coast of Graham Island with any gear except dip nets or open-ring nets;
- (b) No person shall fish for, catch or kill any crabs in Naden Harbour from the first day of May to the thirtieth day of September, both days inclusive.

Fishery Districts

9. For the purposes of administration the Province is divided into three fishery districts, District No. 1, District No. 2 and District No. 3, as described in Schedule A to these regulations.

Export of Fish

10. (1) No person shall export from the Province fresh herring, or herring that have been preserved in salt for a period of less than four days of twenty-four hours each, or herring of any kind intended for curing, canning or otherwise preserving or converting into fish meal, fertilizer or oil outside the boundaries of Canada.

(2) Fresh herring taken in gill-nets in the waters of British Columbia may be exported in a fresh, unsalted condition for immediate consumption and the onus of proof that such fish, were taken with gill-nets shall rest on the possessor or possessors of such fish; fresh herring packed in boxes, each box being a complete container with cover securely fastened and containing not more than two hundred pounds, may also be exported.

(3) The export from Canada of clams in a raw or fresh state taken in the Province is prohibited, but such clams may be exported in wooden boxes, each of which boxes shall contain not more than eighty pounds of clams in the shell, and further, little-neck clams (*Venerupis*) may also be exported in sacks, each sack to contain not more than one hundred pounds of clams in the shell.

(4) No person shall export from Canada any salmon on the "sockeye" or "pink" varieties except in a canned, salted, smoked or cured condition.

(5) No person shall export from Canada "coho" salmon except in a canned, salted, smoked, cured or frozen condition.

Grayfish

11. (1) No person shall fish for, catch or kill grayfish by means of gill-nets in District No. 1 and in that portion of District No. 2 east of a straight line from the most southerly point of Zayas Island to Cape George on Porcher Island, thence to Parlane Point on Banks Island, thence following the westerly shore of Banks Island to Terror Point, thence in a straight line to Cape Caution; nor in the East Coast area of District No. 3; but surface fishing for grayfish by means of gill-nets shall be permitted in those waters between Vancouver Island and the mainland which are south and east of a straight line drawn from the most northerly point of Menzies Bay of Vancouver Island through the most northerly point of Stuart Island to the shore of the mainland and which are north and east of a straight line drawn north and south magnetic from the lighthouse on Trial Island.

Fisheries Act—continued

(2) No person shall fish for grayfish by nets of any kind during the period from July 1 to December 31 following in each year above or within boundaries beyond which salmon fishing for commercial purposes is prohibited under these regulations, and no grayfish nets shall be operated, towed, or allowed to drift above or within such boundaries.

(3) No person shall fish for grayfish with floating gill-nets or drift-nets of any kind during close seasons or weekly close times for the taking of salmon by means of salmon gill-nets or purse-seines as authorized by these regulations.

(4) No person shall use a floating gill-net or drift-net for taking grayfish which is more than two hundred fathoms in length or sixty meshes of uniform size in depth or vertical breadth.

Herring

12. (1) No person shall use nets other than gill-nets, drift-nets, trawl-nets or purse-seines in the capture of herring.

(2) The length of drift-nets or gill-nets is not limited except when operated in a harbour, when not more than a total length of two hundred fathoms may be operated under any one licence.

(3) The mesh of a herring trawl net shall be not less than one inch extension measure.

(4) A herring purse-seine shall not exceed two hundred and seventy-five fathoms in length; the mesh of a herring purse-seine shall be not less than one inch extension measure.

13. For the purposes of purse-seine or trawl-net fishing for herring, the Province is divided into the following described areas and any such fishing authorized in respect of such areas shall be subject to the requirements prescribed by these regulations:

- (a) Lower East Coast of Vancouver Island Sub-district—The waters of that portion of District No. 3 between Vancouver Island and the mainland lying south and east of the following Boundary: Commencing at Gower Point on the mainland in a straight line to Point Young of Lasqueti Island thence southwesterly in a straight line through Mistaken Island to a fishing boundary sign on the shore of Vancouver Island; also the waters of Juan de Fuca Strait east of a straight line from Sombrio Point to the International Boundary line thence following the International Boundary Line to the point of intersection of fishing District No. 1.
- (b) Middle East Coast of Vancouver Island Sub-district—The waters of that portion of District No. 3 between Vancouver Island and the mainland bounded on the south by the following described boundary: Commencing at Gower Point on the mainland in a straight line to Point Young on Lasqueti Island, thence southwesterly in a straight line through Mistaken Island to a fishing boundary sign on the shore of Vancouver Island and bounded on the northwest by a straight line drawn from Tuna Point at the easterly entrance of Blinkinsop Bay due south magnetic to a point on Vancouver Island.
- (c) Upper East Coast of Vancouver Island Sub-district—The waters of that portion of District No. 3, between Vancouver Island and the mainland lying between a straight line drawn from Tuna Point

Fisheries Act—continued

- at the easterly entrance of Blinkinsop Bay due south magnetic to a point on Vancouver Island and a straight line drawn from Cape Scott to Cape Caution.
- (d) West Coast of Vancouver Island Sub-district—The waters of that portion of District No. 3 on the west coast of Vancouver Island between a straight line due south magnetic from Sombrio Point to the International Boundary line and bounded on the north by a straight line from the most westerly point on Scott Islands to Cape Scott.
 - (e) Central Sub-district—The waters of District No. 2 lying north-westerly of the following described boundary: Commencing at Cape Scott on Vancouver Island to Cape Caution on the mainland and bounded on the north by a straight line from the northern point of Rennison Island to the southern point of Campania Island to Fawcett Point on Gil Island, thence in a straight line from Turtle Point on Gil Island to Camp Point on the Mainland.
 - (f) Northern Sub-district—The waters of that portion of District No. 2 lying northwesterly of the following described boundary: Commencing at the northern point of Rennison Island in a straight line to the southern point of Campania Island to Fawcett Point on Gil Island, thence in a straight line from Turtle Point on Gil Island to Camp Point on the mainland and bounded on the north by the International Boundary between Canada and Alaska.
 - (g) Queen Charlotte Islands Sub-district—The waters of the coasts of the Queen Charlotte Islands.

14. In District No. 3, the season when herring may be fished for, caught or killed by means of purse-seines or trawl-nets begins on June first in each year and ends on February fifth following, both days inclusive, except in the Lower East Coast of Vancouver Island Sub-district, where such fishing may begin on May 1st in each year and end on February fifth following, both dates inclusive, but if herring are taken in the following areas up to the amount of limits shown hereunder for each before the expiration of February fifth in any year, fishing shall not be permitted after the date the limit for each area is reached:

- (a) Lower East Coast of Vancouver Island Sub-district, 40,000 tons
- (b) Middle East Coast of Vancouver Island Sub-district, 10,000 tons
- (c) Upper East Coast of Vancouver Island Sub-district, 10,000 tons

15. In District No. 2, the season when herring may be fished for, caught or killed by means of purse-seines or trawl-nets begins on June first in each year and ends on March tenth following, both days inclusive, but if herring are taken in the following areas up to the amount of limits shown hereunder for each before the expiration of March tenth in any year, fishing shall not be permitted after the date the limit for each area is reached:

- (a) Central Sub-district40,000 tons
- (b) Northern Sub-district30,000 tons

16. Notwithstanding the provisions for terminating fishing in any area for any reason herein prescribed, the Chief Supervisor of Fisheries may prohibit herring fishing in any area at an earlier date should he deem such action necessary for the purposes of conservation, or should he find that herring therein are actually spawning or that they are so nearly spawn-

Fisheries Act—*continued*

ing that fishing for them should not be permitted in the interests of conservation; also, if the Chief Supervisor is satisfied that it was not possible during the open season to obtain a necessary quantity of herring for bait, he may permit the catching of a sufficient quantity during the closed season to meet bait requirements.

17. When in the opinion of the Chief Supervisor, the catch limit of herring for any area or sub-district is reached or about to be reached, or when in his opinion in the interests of conservation further herring fishing should not be permitted in any area or sub-district of the Province, he shall order all herring fishing by purse-seines and trawl-nets in such area or sub-district to cease; a public notice by any fishery officer setting out the order of the Chief Supervisor and the hour and day such fishing shall cease, posted for twenty-four hours at a herring cannery, saltery or reduction plant in or nearest to the area or sub-district affected shall constitute legal notice of such order for the purposes of the Fisheries Act.

18. No person shall fish for herring by any means from noon on Saturday of each week to noon on Sunday.

19. Where the captain of a herring purse-seine or trawl-net boat that is being used in operating a herring purse-seine or trawl-net is not himself the licensee of the said purse-seine or trawl-net, he shall obtain a licence from the Minister to authorize his operation of the said purse-seine or trawl-net; the fee for such licence is one dollar.

20. No person shall act as a helper nor in any other capacity in operating a purse-seine or trawl-net that is being used in herring fishing or in scouting for herring except under a licence from the Minister; the fee for such a licence is one dollar.

21. The Chief Supervisor or District Supervisor may authorize, under licence without fee, for the use of gill-nets or purse-seines by halibut and cod fishermen of the Province for the taking of herring for bait but not for sale or barter.

22. No person shall fish for herring by means of purse-seine or trawl-net in the waters of Pearl Harbour in the vicinity of Port Simpson, unless it is shown to the satisfaction of the District Supervisor that it was impossible to obtain a sufficient quantity of herring elsewhere for bait; in such case the District Supervisor may authorize herring seine fishing in Pearl Harbour for the length of time he considers necessary to secure a sufficient supply of herring for bait.

23. No person shall establish a herring pound until the site thereof has been approved by the District Supervisor and no person shall establish a pound or other enclosure for the retention of live fish of any variety in Pearl Harbour.

24. No person shall use a purse-seine or trawl-net in herring fishing or fishing of any kind in Nanaimo Harbour, Departure Bay or Pender Harbour.

25. No person shall fish for, catch or kill herring except for bait or food in Jap Inlet and Butler Cove, in the vicinity of Prince Rupert.

26. No person shall fish for or catch herring with a purse-seine or trawl-net at any time in Ucluelet Arm but herring may be taken by any other means in Ucluelet Arm for bait except when they are spawning.

Fisheries Act—continued

27. Fishing for or catching herring with a purse-seine or trawl-net is permitted in the following described area for bait purposes only: Inside a straight line drawn from Knox Point on Graham Island to Lacy Island off the west coast of Langara Island, thence in a straight line to McPherson Point on Langara Island, thence in a straight line to Shag Rock, thence following the north shore of Graham Island to the point of commencement at Knox Point. The Chief Supervisor may order such fishing closed at any time by public notice when he deems it necessary for purposes of conservation.

28. No person shall fish for, catch or kill herring in Useless Inlet by means of nets.

29. No person shall fish for, catch or kill herring by means of nets in that portion of Winter Harbour, Quatsino Sound area, lying inside, that is north of a straight line drawn between Grassy Point and Quashton River but herring for bait may be taken from the waters inside such line, except when herring are spawning.

Pilchard

30. (1) No person shall use nets other than gill-nets, drift-nets, drag-seines or purse-seines in the capture of pilchard.

(2) The length of drift-nets or gill-nets shall not be limited except when operated in a harbour, when not more than a total length of two hundred fathoms may be operated under any one licence.

(3) A pilchard drag-seine shall not exceed one hundred fathoms in length, and the mesh thereof shall be not less than one inch extension measure.

(4) A pilchard purse-seine shall not exceed two hundred and seventy-five fathoms in length and the mesh of a pilchard purse-seine shall be not less than one inch extension measure.

(5) Where the captain of a pilchard drag-seine or purse-seine boat used in operating a pilchard drag-seine or purse-seine is not himself the licensee of the drag-seine or purse-seine, he shall require a licence from the Minister to authorize his operation of the drag-seine or purse-seine; the fee for such licence is one dollar.

(6) No person shall act as a helper nor in any other capacity in operating a purse-seine or drag-seine used in fishing for pilchard or in scouting for pilchard except under a licence from the Minister; the fee for such a licence is one dollar.

Leases and Licences

31. (1) Except as herein otherwise provided, no person shall fish with nets or other apparatus, and no person shall take abalone or crabs, except under licence from the Minister, and no person shall leave any port or place in Canada to fish with nets or other apparatus either inside or outside territorial waters adjacent to the Province except under licence from the Minister.

(2) No licence shall be granted to any person, company or firm, unless such person is a Canadian citizen resident in the Province or has served in Her Majesty's Canadian Armed Forces overseas, or to such company or firm unless it is a Canadian company or firm or is authorized by the Government of the Province to do business therein.

Fisheries Act—continued

(3) No person under sixteen years of age is eligible for a salmon drift-net or gill-net licence.

(4) The holder of a licence or permit shall fish only in the area, district or sub-district specified in his licence or permit; but the Chief Supervisor or a fishery officer or guardian thereunto authorized by the Chief Supervisor, may authorize the holder in writing to fish in an area, district, or sub-district other than that specified.

(5) The Minister may, in his absolute discretion and upon such conditions as he may prescribe, issue to an applicant a licence to fish with a vessel that uses an otter or other trawl of a similar nature for catching fish; the fee for such licence, other than a licence for fishing for shrimps, is five dollars.

(6) Except under licence from the Minister no person shall act as captain or helper or in any capacity upon a boat being used to operate gear for the capture of halibut, black cod or tuna; the fee for such licence is one dollar.

(7) Except under licence from the Minister no person shall act as captain or helper or in any capacity on a boat being used to operate a trawl-net for catching fish; the fee for such licence is one dollar.

32. (1) An Indian may at any time with the permission of the Chief Supervisor catch salmon to be used as food for himself and his family, but for no other purpose; the Chief Supervisor may in any such permit,

- (a) limit or fix the area of the waters in which such salmon may be caught,
- (b) limit or fix the means by which or the manner in which such salmon may be caught, and
- (c) limit or fix the time in which such permission shall be operative.

(2) An Indian shall not fish for or catch salmon pursuant to the said permit except in the waters, by the means or in the manner and within the time expressed in the said permit, and no person shall sell, attempt to sell or otherwise dispose of any salmon caught pursuant to such permit; any violation of the provisions of the permit shall be deemed to be a violation of these regulations.

(3) Proof of the sale or other disposition by an Indian of any salmon shall be *prima facie* evidence that such salmon was caught by the said Indian, and that it was caught for a purpose other than to be used as food for himself or his family, and shall place on the Indian the onus of proving that such salmon was caught legally for commercial purposes.

(4) Any person buying or accepting any salmon or portion of any salmon from an Indian, except salmon caught legally under a commercial fishing licence, is guilty of an offence against these regulations.

(5) A licensee shall at all times when engaged in fishing carry his licence with him, and shall on demand by a fishery officer or fishery guardian produce his licence to such fishery officer or fishery guardian.

Marking of Boats and Nets

33. (1) All fishing boats shall bear numbers corresponding with those of the licences under which they are operated and each boat shall have the initials of the licensee and the number of his licence painted on both

Fisheries Act—continued

sides of the bow or on both sides of the pilot house or deck cabin on the boat and not on anything affixed thereto in black on a white ground, the figures and letters to be not less than six inches in height and such numbers and initials shall be kept on such boats throughout the fishing season.

(2) All nets shall bear numbers corresponding with those of the licences under which they are operated and each net shall have its number and the initials of its licensee marked legibly on buoys of wood or metal painted white and attached to each end of the net and such numbers and initials shall be kept on the nets throughout the fishing season and shall be so placed as to be visible without taking up the nets.

(3) On each buoy shall be placed a flag, the top of which shall be at least three feet above the surface of the water and the dimensions of which shall be not less than eighteen inches wide by twenty-two inches long; the flag shall be replaced by a lantern giving a white light from one hour after sunset until one hour before sunrise.

(4) Each line of fishing gear used in halibut, cod and grayfish fishing shall be marked by a floating tag or buoy, attached to each end of the line, and there shall be legibly painted in white on a black ground, on the tag or buoy, the initials of the licensee and the number of his licence.

(5) No licensee shall have the number of his licence on more than one boat at the same time.

(6) In the case of a salmon purse-seine boat the initials of the licensee and the number of his licence shall be painted on the top of the pilot house or on a board securely fastened to the top of the pilot house, in such a manner that they will be readily decipherable from the air; these initials and numbers shall be painted in black on a white ground and the figures and letters shall be not less than six inches in height.

Oysters

34. Except by special permission of the Minister of Fisheries for the province of British Columbia, no person shall plant or introduce into an oyster bed any oyster or oyster seed not produced in the Province.

Perch

35. No person shall fish for, catch or kill any perch during the months of June, July or August in each year.

Prohibitions

36. (1) No person shall cast a salmon gill-net or drift-net from a boat nearer than one hundred yards in front of one already in the waters.

(2) Except as provided by section thirty seven (c), no sunken salmon or cod net, set salmon net or anchored salmon net shall be used in rivers or other waters of the Province.

(3) No person shall use floating salmon trap-nets.

(4) No person shall use or operate more than one net under any net licence.

(5) No person, other than the licensee, shall use or operate a gill-net.

(6) No person shall use nets of any kind to enclose any bay, cove, creek or inlet, and in all cases one-third of the width of such bay, cove, creek or inlet shall remain open and unobstructed for the passage of fish.

Fisheries Act—continued

(7) No fishing boat shall carry a greater length of net than that permitted by the licence of the licensee in charge thereof, but if a licensee, when engaging in fishing, finds a net, he may take it into his boat, but he shall deliver it to the first fisheries patrol boat that may visit him or to the cannery in connection with which he is fishing, should he visit such cannery before the arrival of a fisheries patrol boat; in either instance he shall procure a receipt for the net on delivering it.

(8) No person shall use bare, unbaited hooks or grapnels (cross lines) for the taking of sturgeon.

(9) Except by special permission of the Minister no person shall introduce non-indigenous or non-native fish or fish eggs alive into the waters of the Province, and no person other than a fishery officer shall transfer fish or fish eggs alive from one body of water to another within the Province.

(10) No person shall fish with nets in Saanich Arm or in Finlayson Arm, Vancouver Island, inside a straight line drawn from Hatch Point to James Point nor, except with hook and line for grayfish, shall any person fish with any implement, or dig or take clams in the said areas for commercial purposes; but digging for clams is permitted in that portion of Saanich Arm lying outside, that is north of a straight line drawn between Brentwood Wharf and the Mill Bay Ferry Landing.

(11) No person shall fish with nets or for commercial purposes by any means except for oysters, crabs or clams, in Cowichan Bay or River, and no person shall fish with nets in the portion of Satellite Channel that is west of a straight line drawn from Cape Keppel on Salt Spring Island to James Point on Vancouver Island; no person shall fish with nets in that portion of Sansum Narrows and Stuart Channel, including Maple Bay and Burgoyne Bay, south of a straight line drawn from Bare Point Light to North Reef Beacon, then to Parminter Point.

(12) No person shall fish with nets or by any other means for commercial purposes in Comox Harbour inside of a straight line drawn in a southwesterly direction from a fishing boundary sign near Goose Spit Light to a fishing boundary sign near the mouth of Trent River at Royston.

(13) Except as herein otherwise provided, no person shall use torches, or artificial lights of any kind or spears, jigs or snares in the capture of salmon, whitefish or trout of any kind or of steelhead, and no person shall trap or pen fish on their spawning grounds or in the rivers or streams leading thereto.

(14) Notwithstanding the provisions of these regulations, no Indian or other person shall send, ship, bring or carry, or cause to be sent, shipped, brought or carried, any salmon or steelhead trout caught above a commercial fishing boundary to any place below such boundary; but when such salmon or steelhead trout are in a cured condition an Indian may bring below the boundary such quantity as he and his family require for food but not for sale or barter.

(15) A fishery officer may mark the fishing boundaries in the mouth of a river, creek, or stream, other than the Fraser, Naas, Skeena and Eestall rivers, by signs coloured International Airport Orange, placed approximately one-half mile on either side of the mouth; where, however, in the opinion of a fishery officer conditions exist that require a change in the fishing boundary, he may determine the minimum distance seaward

Fisheries Act—continued

from the mouth of the river, creek, or stream and shall mark the distance so determined with white fishing boundary signs placed on each side of the mouth.

(16) No person shall fish for salmon for commercial purposes with nets or by trolling,

- (a) within a radius of one-half mile of the mouth of any creek or stream marked by fishing boundary signs coloured International Airport Orange placed by a fishery officer;
- (b) within the area off the mouth of any creek or stream designated by a straight line, or lines, drawn between any white fishing boundary signs placed by an officer.

(17) In the absence of proof to the contrary, all fishing boundary signs referred to in this section shall be presumed to be placed by a fishery officer under the authority of this section.

37. In salmon purse-seine fishing,

- (a) the net may not be transferred from the purse-seine boat proper to one or more smaller boats to be cast for fishing from such smaller boat or boats, but shall be so cast directly from the purse-seine boat proper, and the use of a rowboat to assist the purse-seine boat proper in casting and closing the purse-seine for fishing is permitted;
- (b) power boats of any description other than that from which the seine is cast directly shall not be used to assist the seine boat or to operate the seine while the net is in the water;
- (c) the net shall not be kept open after being cast in the manner defined as an "open set" nor shall the net be used as a set net, but it may be extended from the shore when cast and closed to comply with the definition of an "open set";
- (d) except as herein otherwise provided, in Juan de Fuca Strait, embraced in salmon purse-seine areas No. 19, No. 20 and No. 21, and beyond three marine miles from the west coast of Vancouver Island and beyond three marine miles from the north coast of Graham Island of the Queen Charlotte Islands group;
 - (i) salmon purse-seines not exceeding three hundred fathoms in length are permitted;
 - (ii) power boats or power skiffs may be used to assist seine boats in seining operations;
 - (iii) "open sets" while operating seines are permitted;
 - (iv) a lead or additional piece of net may be used in conjunction with the seine, but the overall length of such lead or net and the seine shall not exceed three hundred fathoms;
 - (v) the measurement of the length of the seine shall be along the stretched cork line when the line is wet.

38. No person shall fish for, catch or kill Little Redfish (Kokanee) in any creek or stream up which these fish go to spawn.

39. In commercial fishing no person shall fish for, catch, kill or have in possession any salmon that weighs less than three pounds in the round, nor shall anyone buy, sell, or attempt to sell any salmon that weighs less than three pounds in the round; for the purpose of this section, a salmon that weighs two and one-half pounds dressed with the head on shall be regarded as having weighed three pounds in the round.

Fisheries Act—continued

40. No boat used in buying salmon or in collecting or carrying salmon may have any variety of fishing net or web aboard, when it is being so used.

41. The presence, without the written permission of a fishery officer, of any sort of salmon fishing net or web aboard a boat used under a salmon trolling licence in trolling for salmon, shall be deemed to be evidence of fishing for salmon with such net or web.

42. (1) Except as herein otherwise provided, no person shall stone, club, shoot with any firearms, or in any manner molest, injure or kill fish in any stream or lake and no person shall drive or attempt to drive salmon downstream or outside the fishing limits fixed by these regulations, about the mouth of any salmon stream; and no person shall use any vessel to cruise inside the fishing limits about the mouth of any salmon stream while salmon net fishing is being conducted adjacent to such limits.

(2) The Attorney General for British Columbia may authorize any person to destroy ling and carp in the non-tidal waters of the Province.

43. No person shall fish for salmon with nets, or fish for, catch, or kill fish of any kind by means of trawling in that portion of Baynes Sound between a straight line from Union Bay wharf of Vancouver Island to Beak Point at the north end of Denman Island, and a straight line from the most easterly point of Deep Bay due north to a fishing boundary sign placed on the shore of Denman Island approximately two miles west of Boyle Point.

44. No person may fish for or catch salmon with a purse-seine,

- (a) in Area No. 11 as defined in Schedule A to these regulations before a date fixed each year by the Chief Supervisor.
- (b) in Areas Nos. 9 and 10 as defined in Schedule A to these regulations before a date fixed each year by the Chief Supervisor, which date will be fixed after the sockeye run is over.
- (c) in the waters of Area No. 17 as defined in Schedule A to these regulations lying east and north of Galiano and Valdez Islands before,
 - (i) August twenty-fifth in each odd numbered year,
 - (ii) September first in the year 1954 and in each even-numbered year thereafteror after
 - (iii) September thirtieth in any year except years of big runs of late sockeye salmon in which years not after October thirty-first,but in any instance where a salmon purse-seine is cast and completely closed and pursed in this area, the fish may be brailed or removed after the seine or boat operating it, or both, have drifted across the northern boundary of the area.
- (d) in that portion of Area No. 5 lying within the boundaries of the Principe Channel area, as defined in Schedule A to these regulations, before a date fixed each year by the Chief Supervisor.

45. (1) The Chief Supervisor may prohibit purse-seining for salmon during the whole or any portion of the year, in any area or areas in which he determines such to be necessary for the proper protection of the salmon fisheries.

Fisheries Act—continued

(2) The posting of a public notice by the Chief Supervisor in a post office, fish cannery, or fishing camp in such area is deemed to be legal notice of the closing of such area to purse-seine fishing.

46. No person shall fish for salmon for commercial purposes in the waters between Kaien Island and the mainland of the Province bounded on the north by a straight line from Ritchie Point to Pethic Point and on the south by the Canadian National Railway Bridge at Zenardi Rapids.

47. In Naden Harbour, on the north coast of Graham Island, no person shall fish for any purpose by means of an otter trawl.

48. No person shall fish for salmon by nets of any kind in that portion of Nitinat Arm lying between a straight line across the entrance thereof at a point known as Nitinat Bar, and a straight line east and west across Nitinat Arm at a point above the Flats near the old saltery, marked on each side of the Arm by a fishing boundary sign.

49. No person shall fish for, catch or kill any fish except shrimps by means of trawling in that portion of Burrard Inlet lying between the entrance of First Narrows at Prospect Point and a straight line between Point Atkinson and Point Grey.

50. No person shall fish with nets or for commercial purposes by any means in Horseshoe Bay and that portion of Queen Charlotte Channel between Horseshoe Bay and Bowyer Island inside a straight line from Whytecliff Point to the most southerly point of Bowyer Island, thence due east magnetic to a point on the mainland.

51. No person shall fish salmon by gill-nets of any kind in the waters within one-half mile of the east coast of Vancouver Island between a point two miles southeast of Englishman's River and a point two miles northwest of Big Qualicum River.

52. No person shall fish by any means except for scientific purposes in that portion of the Fraser River between a point marked by fishing boundary signs approximately four miles south of Boston Bar and Williams Creek, which flows into the Fraser River approximately one and three-quarter miles south of Hell's Gate.

53. (1) No person shall fish for any purpose by means of trawl net in the hereinafter described waters of the East Coast area of District No. 3:

(a) that portion of the Strait of Georgia north of a straight line from Shelter Point on Vancouver Island to Lund on the mainland including Discovery Passage to Seymour Narrows; Hoskyn Inlet to a straight line between Antonia Point and Mayor Point; Lewis Channel and Sutil Channel to a straight line running east and west from Read Island to Redonda Island through Bullock Bluff; Waddington Channel to Dean Point including Pendrell Sound; Homfray Channel to a line joining Hepburn Point and Brettel Point;

(b) that portion of the Gulf of Georgia bounded on the south by a straight line drawn from Joan Point on Vancouver Island at the northwesterly entrance to Dodd Narrows, thence to Entrance Island Lighthouse, thence to Point Upwood at the south end of Texada Island, thence following the westerly shore of Texada Island to Blubber Point at the north end of Texada Island, thence

Fisheries Act—continued

in a straight line to Cape Lazo on Vancouver Island, thence following the easterly shore of Vancouver Island in a southeasterly direction to aforesaid Joan Point;

- (c) the area embracing Porlier Pass bounded on the east by a straight line drawn from Vernaci Point on Valdez Island to Dionisio Point on Galiano Island and including those waters of Trincomali Pass bounded on the north by a straight line from Single Point on Valdez Island to a fishery boundary sign placed on the largest islet of the Rose Islet group, thence in a straight line to the most southerly point of Hall Island, thence to a fishery boundary sign placed on Galiano Island at the southerly entrance to Saltery Bay;
- (d) the area embracing Sansum Narrows, Cowichan Bay, Saanich Inlet and Satellite Channel from a straight line between Grave Point and Erskine Point to a boundary formed by a straight line joining Eleanor Point and the most northerly point of Portland Island, and a straight line joining Kanaka Bluff to the most northerly point of Piers Island, thence to the most northerly point of Saanich Peninsula marked by a fishery boundary sign;
- (e) that portion of the waters of the east coast of Vancouver Island lying south of Dodd Narrows and False Narrows including Pylades Channel to a straight line joining Yellow Point and Shingle Point, during the period January fifteenth to May fourteenth in each year, both days inclusive.

(2) Notwithstanding the provisions of subsection (1), the Chief Supervisor, for experimental purposes, may designate one or more of the areas, hereinafter described, or any parts thereof, and fix a period during which, under conditions determined by him, commercial fishing by means of trawl nets shall be permitted

Cape Lazo

- (a) That area in the vicinity of the northerly portions of Hornby and Denman Islands, commencing at Cape Lazo in a straight line northeasterly to Blubber Point at the north end of Texada Island, thence in a straight line in a southerly direction to Phipps Point on Hornby Island, thence in a straight line true west across Lambert Channel to a fishing boundary sign on the east coast of Denman Island, thence in a straight line in a northwesterly direction to Comox Bar Buoy, thence in a straight line in a northerly direction to the point of commencement at Cape Lazo.

Baynes Sound—Ballenas Island

- (b) That area lying off the east coast of Vancouver Island and commencing at Longbeak Point on Denman Island, thence northerly to the Red Can Buoy on the west side of Comox Bar, thence northwesterly to the fishing boundary on Goose Spit; thence westerly to the fishing boundary near Trent River on the east shore of Vancouver Island, thence following the easterly shore of Vancouver Island southward to Dorcas Point, thence easterly to Ballenas Island Light, thence northeasterly to St. John Point on Hornby Island, thence to Phipps Point, thence in a straight line true west across Lambert Channel to a fishing boundary sign

Fisheries Act—continued

on the east coast of Denman Island, thence following the easterly coast of Denman Island to point of commencement at Longbeak Point; but not including those waters of Baynes Sound bounded on the north by a straight line from Denman Point on Denman Island true west to a fishing boundary sign on the Vancouver Island shore opposite, and on the south by a straight line from the most southerly point of Ship Peninsula true east to a fishing boundary sign on the westerly shore of Denman Island.

Nanoose Bay

- (c) That area lying east of, but not including Nanoose Bay, commencing at Neck Point on Vancouver Island following the Vancouver Island shoreline in a westerly direction to Blunden Point, thence in a straight line to Maude Island Light, thence in a straight line due east to the post of intersection with a straight line due north from the aforesaid Neck Point.

Satellite Channel

- (d) That area commencing at Cape Keppel on the southerly end of Saltspring Island and bounded by a straight line between the aforementioned Cape Keppel and Moses Point (previously James Point) Saanich Peninsula, thence in a straight line to the most northerly point of Piers Island, thence in a straight line to Kanaka Bluff on Portland Island, thence following the west shore of Portland Island northward to its most northerly point, thence in a straight line to Eleanor Point on Saltspring Island, thence in a straight line to Isabella Point, thence following the Saltspring Island shore in a southwesterly direction to Cape Keppel.

(3) Notwithstanding the provisions of subsection 1, the Minister may authorize the use of a floating or "mid-water" trawl net in any area described therein for the taking of herring subject to section twelve which is applicable to operations by purse-seines and trawl nets.

54. No person shall operate gill-nets by utilizing any portion thereof to encircle or enclose any area of water, or by tying such nets together so as to enclose or surround an area of water.

55. No person shall fish for or catch oulachons by any means for commercial purposes in those portions of Kingcome and Knight Inlets lying inside, that is above, the commercial salmon fishing boundaries located approximately one mile from the head of each of said Inlets and marked by fishery boundary signs, as well as in Kingcome River and Kleena-Kleena River, tributaries of those waters.

56. No person shall fish for salmon with nets of any kind in Thornborough Channel in the Howe Sound area between a straight line from Soames Point to Grace Islands on the south and a straight line from McNab Point to Elkins Point on the north.

57. No person shall fish by any means for commercial purposes at any time in the waters of False Creek (Vancouver Harbour area) lying east of Burrard Bridge.

Fisheries Act—continued

58. No person except an Indian under subsection (1) of section thirty-two of these regulations, shall fish for, catch or kill a sockeye, pink or chum salmon, by any means in the non-tidal waters of the Province; any person taking such fish shall return it to the water immediately.

59. In District No. 1 no person shall fish for oulachons from Saturday at 8.00 a.m. to Monday at 8.00 a.m.

60. The Chief Supervisor may at any time or from time to time prohibit oulachon fishing in the whole of District No. 1 or any portion thereof should he deem it necessary for the purposes of conservation, or should he find that oulachons are actually spawning or that they are so nearly spawning that fishing should not be permitted.

61. In District No. 2 no person shall fish for or catch oulachons for commercial purposes at any time.

62. No person shall fish for, catch or kill any fish except shrimp by trawling between the first day of June and the fifteenth day of July, both days inclusive, in that portion of the waters of District No. 1 bounded on the west by a straight line from the Sandheads Lightship at the mouth of the Fraser river to Gower Point; on the north by a straight line from Gower Point to the most southerly point of Popham Island; thence to the most southwesterly point of Worlcombe Island; thence to Cape Rodger-Curtis on Bowen Island; thence following the southern shore of Bowen Island to Cowan Point; thence in a straight line to Point Atkinson; on the east by a straight line from Point Atkinson to Point Grey; thence to Garry Point; and, on the south by a straight line from Garry Point to the point of commencement.

63. No person shall fish for any purpose with an otter trawl in the waters of Howe Sound bounded on the south by a straight line drawn from Gower Point on the mainland to the most southerly point of Popham Island; thence to the most southwesterly point of Worlcombe Island; thence to Cape Rodger-Curtis on Bowen Island; thence following the southern shore of Bowen Island to Cowan Point; thence in a straight line to Point Atkinson on the mainland.

64. No person shall fish for salmon with nets of any kind in that portion of the Fraser River above, that is, east of Mission bridge.

Prohibited Areas

65. No person shall fish by means of nets of any kind or description in,
- (a) the waters of Victoria Harbour, inside of a line from Macauley Point to Clover Point, and embracing all the waters of the Harbour to Victoria Arm and including the Inlet;
 - (b) Wyclese Lake, Smith Inlet area, above the rapids at the entrance thereof;
 - (c) the waters of Discovery Passage, at the mouth of Campbell River, Quatiaski district, bounded on the south by a straight line from Cape Mudge due west to a point on Vancouver Island, and on the north by a straight line from Wildred Point through the northwesterly point of Maude Island to the Mainland of Quadra Island.

Fisheries Act—continued

- (d) Ladysmith Harbour (Oyster Bay) inside of a straight line from Sharp Point to Boulder Point.
- (e) Juskatla Inlet, Queen Charlotte Islands, but if unusual conditions prevail which will result in salmon entering the inlet before a reasonable portion of them can be caught the Chief Supervisor may authorize salmon fishing in this inlet for such length of time as he may find safe.
- (f) Fulford Harbour, Saltspring Island.
- (g) That portion of Johnstone Straits known as Salmon Bay, at the mouth of Salmon River, inside of a straight line from a fishing boundary sign on the shore of Vancouver Island approximately one mile northwesterly from Kelsey Bay wharf to a fishing boundary sign on the Vancouver Island shore approximately one-half mile easterly of Port Kusam.
- (h) In the waters in and adjacent to the mouth of the Fraser River bounded on the south by the north jetty on the main channel of said river, and on the north by the row of range pile dolphins approximately one thousand feet distant from and parallel to the aforesaid north jetty from Steveston to the western extremity of said jetty.
- (i) In the waters in and adjacent to the mouth of the Fraser River that are bounded on the north by the south jetty from Smoky Tom Island, thence by a straight line from the westerly extremity of said jetty in a southeasterly direction to a fishing boundary sign on the shore of Smoky Tom Island, approximately three-quarters of a mile southwesterly from the easterly end of the south jetty.
- (j) In the waters of Deep Cove, North Arm of Burrard Inlet, inside of a straight line between fishing boundary signs at the entrance thereof.

Smelts and Sardines

66. (1) No person shall use nets other than gill-nets or drift-nets or purse-seines or drag-seines for catching smelts or sardines.

(2) The mesh of a smelt or sardine drift-net or gill-net shall be not less than one inch extension measure, when in use.

(3) The mesh of a smelt or sardine drag-seine shall be not less than three-quarters of an inch extension measure when in use.

(4) A smelt purse-seine shall be not more than fifty fathoms in length nor shall the mesh thereof be less than three-quarters of an inch extension measure when in use.

(5) A sardine purse-seine shall be not more than two hundred fathoms in length nor shall the mesh thereof be less than five-eighths of an inch extension measure when in use.

(6) In District No. 1 no person shall fish for, catch or kill any smelts from July fifth to August fifth, in each year, both days inclusive.

Salmon

67. (1) No person shall use nets other than drift-nets or gill-nets, set-nets, drag-seines, purse-seines and trap-nets in the capture of salmon.

Fisheries Act—continued

(2) No person shall fish for or catch salmon by means of a drift-net or gill-net and no person shall act as a boat puller, engineer or assistant in operating a gill-net or drift-net used in salmon fishing, except under licence from the Minister. Each person in a boat being used in salmon gill-net or drift-net fishing shall be required to have a licence.

(3) No person shall use a gill-net or drift-net for taking salmon which is more than two hundred fathoms in length or sixty meshes of uniform size in depth or vertical breadth when in use, but

- (a) in the Fraser River above, or easterly of a straight line drawn due north and south magnetic through Point Garry Observatory in the vicinity of Steveston the length shall not exceed one hundred and fifty fathoms;
- (b) in the waters of the west coast of Vancouver Island the Minister may authorize the use of nets of greater length;
- (c) in Nitinat Arm, west coast of Vancouver Island, the length of salmon gill-nets shall not exceed one hundred fathoms.

(4) No person shall do anything to increase the depth or vertical breadth of a gill-net or drift-net for taking salmon beyond the number of meshes herein specified.

(5) The Chief Supervisor may at any time, or from time to time, prohibit the use of salmon gill-nets or drift-nets that have smaller or larger meshes than he determines to be necessary to allow salmon to escape for conservation purposes.

(6) The web for a drift-net or gill-net used for taking salmon shall not be hung at any place on the cork line at a ratio greater than two and one-half fathoms of web (extension measure when in use) to one fathom of cork line, and no additional web shall be hung, added or inserted to increase such ratio throughout the vertical depth of such drift-net or gill-net, except that until December 31, 1954, a ratio not greater than three fathoms of web (extension measure when in use) to one fathom of cork line shall be permitted.

(7) A salmon drag-seine shall not exceed one hundred fathoms in length, and one hundred and eighty meshes in depth, and the mesh thereof shall be not less than three inches, extension measure, when in use.

(8) No person shall act as a helper or in any capacity in operating a drag-seine being used in fishing for salmon except under a licence from the Minister; the fee for such a licence is one dollar.

(9) No person shall use a salmon purse-seine which is more than two hundred and twenty fathoms or less than one hundred and fifty fathoms in length measured along the stretched cork line when the seine is wet or less than two hundred and fifty meshes in depth or which has a mesh less than three and one-half inches extension measure; and no person shall use or attach a lead or an additional piece of net to any such net while fishing.

(10) No salmon fishing boat shall carry or operate more than one seine of any description and no additional net of any kind shall be carried on such boat, except that not more than fifty fathoms of purse-seine web of a depth of not more than one hundred meshes of the dimension of the seine net at that time being used may be carried for the purpose of repairs, but such web shall be in unhung condition.

Fisheries Act—continued

(11) If the captain of a salmon purse-seine or drag-seine boat being used in operating a salmon purse-seine or drag-seine is not the licensee of the said purse-seine or drag-seine he shall obtain a licence from the Minister to authorize his operation of the purse-seine or drag-seine. The fee for such operating licence is one dollar.

(12) No person shall act as a helper nor in any capacity in operating a purse-seine being used in fishing for salmon except under a licence from the Minister; the fee for such licence is one dollar.

(13) A salmon trap-net shall be located on a definite site, specified in the licence, and shall be at least four hundred fathoms distant from the nearest adjacent trap-net. The mesh of such trap-net shall be not less than six inches, extension measure, in the leader or lead, nor more than two inches, extension measure, in the heart, crib or pot.

(14) No person shall fish for, catch, or kill salmon by means of nets of any kind after the fifteenth day of September in each year in that portion of the Fraser River between New Westminster Bridge and Mission Bridge, except that fishing may be permitted in this area during the year 1955 until the thirtieth day of September. No person shall fish under this licence in any other portion of the river than that specified.

(15) No person shall fish for salmon for commercial purposes by means of trolling, except under licence from the Minister. Each person in a boat being used in trolling for salmon shall be required to have a licence.

Closed Season for Salmon

68. (1) No person shall fish for or take sockeye salmon in the waters of the Province that are south of 49 degrees 30 minutes north latitude and east of Vancouver Island from the first day of October in each year to the thirtieth day of June following, both days inclusive, but in years of big runs of late sockeye to these waters no person shall fish for or take sockeye salmon after October thirty-first in each such year.

(2) Except as herein otherwise provided no person shall fish for or take sockeye salmon in the waters of the Province east of Vancouver Island and north of the 49° 30' parallel of north latitude, from the first day of October in each year to the nineteenth of June following, both days inclusive, nor in District No. 2 from and including the first of October in each year to 6 p.m. of the last Sunday in June following.

(3) No person shall fish for or take sockeye salmon in the Nimpkish, MacKenzie Sound, Port Neville and Hayden Bay areas, and in the waters of the west coast of Vancouver Island, from the first of October in each year to the fourteenth day of May following, both days inclusive.

(4) During the closed times mentioned in this section, no person shall use a salmon purse-seine, drag-seine or trap-net, or a salmon gill-net or drift-net having a mesh of less than six and one-half inches extension measure, in fishing for or catching sockeye salmon.

(5) No person shall fish for or take sockeye salmon in the Naas River and Skeena River gill-net areas from the first day of October in each year to 6:00 p.m. of the second last Sunday in June following.

(6) No person shall with any kind of gear, fish for, catch or kill any kind of salmon from December first in each year to January thirty-first following, both days inclusive, and during the closed time no person shall place salmon nets of any kind in the water; the Chief Supervisor may

Fisheries Act—continued

prohibit fishing for coho, pink or chum salmon in any area at an earlier date than the beginning of the closed time specified herein, should he find that any one or more of these species of salmon in such area has so far advanced towards spawning as not to be in a satisfactory condition for food, and also the Chief Supervisor may authorize fishing for salmon in any area before the expiry of the closed time therefor, if he has found that the pink and chum salmon and a sufficient proportion of coho salmon have passed up to the spawning grounds.

(7) No person shall fish for or take coho or blueback salmon for commercial purposes by any means from the first day of January to the fifteenth day of June, both days inclusive, and in those waters between Vancouver Island and the mainland which are southward and eastward of a straight line from the most northerly point of Menzies Bay on Vancouver Island through the most northerly point of Stuart Island to the shore of the mainland and which are north and east of a straight line north and south magnetic from the lighthouse of Trial Island, no person shall so fish or take such salmon from the first day of January to the thirty-first day of May, both days inclusive; every person who takes any salmon in a closed time shall return the salmon to the water immediately.

(8) No person shall fish for, catch or kill salmon by means of nets of any kind prior to October tenth in each year within two miles of the East Coast of Vancouver Island between a point two miles southeast of Englishman River and a point two miles northwest of Big Qualicum River.

Sturgeon

69. (1) No person shall fish for, catch or kill sturgeon except by angling or with gill-nets or drift-nets.

(2) A sturgeon gill-net or drift-net shall not exceed one hundred and fifty fathoms in length and the mesh thereof shall not be less than twelve inches extension measure.

(3) No person shall fish for, catch, kill or have in possession any sturgeon that measures less than three feet in length, measuring from the tip of the snout to the tip of the tail, and if any such sturgeon is taken, it shall be returned to the water immediately.

Shrimps

70. (1) No person shall fish for, catch, or kill any coon stripe shrimps in that portion of Burrard Inlet lying between the Second Narrows bridge and Roche Point from December first in each year to March thirty-first following, both days inclusive.

(2) No person shall fish for, catch or kill shrimps in that portion of Burrard Inlet lying between First Narrows Bridge and Second Narrows Bridge.

Trawl-Net

71. (1) The mesh of the net in any otter or beam trawl used for catching fish other than shrimps, shall be not less than four inches extension measure when in use.

(2) When in the opinion of the Chief Supervisor fishing by means of trawl nets in any area at the time fish are spawning or near spawning will have a serious effect on population, he may prohibit all fishing from time to time or for such period as he deems necessary.

Fisheries Act—continued

(3) Any vessel which is over forty feet in overall length used in the operation of an otter or beam trawl for catching fish other than shrimp shall be equipped with a scupper door to provide an opening not less than thirty-six inches wide, and where multiple openings are necessary no single opening shall be less than twelve inches wide.

Weekly Closed Times

72. (1) In District No. 1 no person shall fish for salmon other than by trolling from Friday at eight o'clock in the forenoon to Monday at eight o'clock in the forenoon, and in the portion of the Fraser River above New Westminster Bridge from Friday at eight o'clock in the forenoon to Monday at twelve o'clock noon.

(2) In District No. 2 and District No. 3 no person shall fish for salmon except by trolling from six o'clock in the afternoon of Friday to six o'clock in the afternoon of the Sunday next following.

(3) In each odd-numbered year in the waters of Juan de Fuca Straits which are embraced in salmon purse-seine areas No. 19, No. 20, and No. 21, from the twenty-fifth day of August to the fifteenth day of September, both days inclusive, the weekly closed time shall be a period of thirty six hours which shall commence twelve hours later each week than the usual forty-eight hour weekly closed time.

(4) In the waters of Salmon Purse-seine Areas Nos. 12 and 13 no person shall fish for salmon with nets of any kind from six o'clock in the afternoon of Thursday to six o'clock in the afternoon of Sunday following.

(5) During the weekly closed time for salmon trap-net fishing each trap-net shall be closed by an apron placed across the outer entrance to the heart of the trap, the apron shall extend from the surface to the bottom of the water, and shall be securely connected to the piles on either side of the heart of the trap-net by rings not more than two feet apart on wires stretched from the top to the bottom of the piles, the apron or appliance by which it is raised or lowered, shall have a signal or flag, which shall disclose whether the trap-net is closed and which shall be of a sort approved by the Chief Supervisor; in addition to the foregoing the trap-net shall be equipped with an opening satisfactory to the Chief Supervisor in the lead of such trap-net next to the entrance to the heart, of not less than twenty feet wide at any part and extending below the surface at least ten feet below low water, the opening shall remain open and unobstructed during the full period of each weekly closed time or annual closed season.

(6) When in the opinion of the Chief Supervisor, District Supervisor or local fishery officer a sufficient escapement of salmon is not passing in any area to seed the spawning grounds adjacent thereto, he is authorized to require and enforce at any time or from time to time such extension of the closed season or weekly closed time for salmon fishing prescribed by these regulations for such area as he deems necessary for purposes of conservation.

(7) Public notice by any of the aforesaid officers of extension of such closed season or weekly closed time posted once at a post office, fish cannery or fishing camp in or adjacent to the area or areas affected at least twenty-four hours in advance of such extension shall constitute legal notice thereof.

Fisheries Act—continued*Net Fishing in Certain Non-Tidal Waters*

73. (1) Fishing with nets in non-tidal waters specified in this section is permitted under licence from the Provincial Minister of Fisheries.

(2) Net fishing shall be confined to the use of set nets, drag-seines and dip-nets, and shall be confined to such area or areas as may be specified in the licence, and also shall be in accordance with conditions, not inconsistent with the provisions of the regulations, prescribed in the licence.

(3) In the lakes of the Provincial Electoral Districts of Peace River, Fort George, Omineca, Cariboo, and in Atlin, Teslin, Gladys, Bennett, Tagish, Surprise and Tutshi Lakes in the Provincial Electoral District of Atlin, gill-nets may be authorized for the capture of whitefish, char, lake trout and fish of all other species except salmon, sturgeon and other trout not mentioned herein; provided that in any of the lakes in the said Provincial Electoral Districts that are less than four miles in length, no nets of any description shall be used, except as provided in subsection 10; and provided further that gill-nets may be used in Babine and Francois Lakes and the Nechako River, and that portion of the Fraser River between Prince George and the head of navigation, for the capture of sturgeon, and that gill-nets, drag-seines, and dip-nets may be authorized for the capture of little redfish or so-called kokanee in Christine Lake, and in the lakes of the Peace River, Fort George, Omineca and Cariboo Provincial Electoral Districts; provided further, that the use of dip-nets only may be authorized for the capture of little redfish or so-called Kokanee in Okanagan, Woods and Long Lakes in the Okanagan district. Net fishing for commercial purposes is not permitted in Uncha, Binta, Fraser and Cheslatta Lakes.

(4) A gill-net licence for the capture of fish other than sturgeon shall authorize the use of not more than five hundred yards in length of gill-net. The mesh of such net shall not be less than three inches extension measure when in use, and the fee for such licence is one dollar.

(5) A gill-net licence for the capture of sturgeon shall authorize the use of not more than one hundred and fifty fathoms in length of gill-net. The mesh of such net shall not be less than twelve inches extension measure when in use, and the fee for such licence is two dollars and fifty cents.

(6) A drag-seine licence shall authorize the use of not more than two hundred yards in length of net. The mesh of such net shall not be less than one and one-quarter inches, extension measure, when in use, and the fee for such licence is one dollar.

(7) Each and every person holding a licence issued under the authority of this section shall, on or before the 31st of March in each year, submit a written return to the Minister of Fisheries for the Province on a form to be supplied by him, setting out full particulars as to the kind, number and total weight of fish taken thereunder.

(8) The use of gill-nets or drag-seines in any lake in Atlin and Cariboo Districts is prohibited during the months of March and April and from the first day of July until the fifteenth day of October, both days inclusive, in each year, and in Atlin, Teslin, Gladys, Bennett, Tagish, Surprise and Tutshi lakes in the Atlin District, the use of gill-nets or drag-seines is prohibited from September fifteenth to November thirtieth in each year, both days inclusive.

Fisheries Act—continued

(9) The use of gill-nets and drag-seines in any lake in Omineca and Prince George Districts is prohibited during the months of March and April in each year. During the remainder of the year, the mesh of such nets shall not be less than four inches extension measure when in use, provided that from July first in each year to November thirtieth following the mesh of such nets shall not be less than six and one-half inches extension measure when in use; provided further that during the month of October in each year no person shall fish for commercial purposes in Francois Lake.

(10) The use of gill-nets, drag-seines or dip-nets in Christina Lake, and the use of dip-nets in Okanagan, Woods and Long Lakes, in the Okanagan District is prohibited from the tenth day of December in each year to the fifteenth day of August following, both days inclusive.

(11) Notwithstanding the provisions contained in subsection 3 licences authorizing the use of any kind of nets of suitable mesh in non-tidal waters of the Province for the capture of fish other than trout, salmon and sturgeon may be granted by the Provincial Minister of Fisheries, provided that any trout, salmon or sturgeon inadvertently caught must be returned to the water alive and uninjured at the place taken by the person catching it.

(12) The weekly closed time for gill-net or drag-seine fishing shall be from Saturday at six o'clock p.m. to Monday at six o'clock a.m. following, during which time no net shall be left or placed in any of the waters specified in this section; provided this weekly close time shall not apply during the months of January and February of each year; provided further that the weekly closed time in Christina Lake shall be from Thursday at six o'clock p.m. to Monday at six o'clock a.m. following.

(13) A dip-net licence for the capture of little redfish or so-called kokanee, shall authorize the use of a dip-net, the ring or frame of which shall measure not more than twenty inches in diameter or across the longest side when in use; provided further that the weekly closed time in Okanagan Lake shall be from Thursday at six o'clock p.m. to Monday at six o'clock a.m. following. The fee for such licence is one dollar.

SPORT FISHING IN TIDAL WATERS

Catch Limits and Possession Limits

74. (1) When sport fishing in tidal waters, except as otherwise provided in these regulations, no one shall fish for, catch or kill in one day more than twelve trout.

(2) When sport fishing in tidal waters, no one shall fish for, catch, or kill in one day more than five salmon or more than ten grilse, or more than ten salmon and grilse in the aggregate.

(3) When angling in tidal waters, no one shall have in his possession more than three days' catch limit of fish as prescribed in these regulations.

Size Limits

(4) No one shall take from the water a trout or salmon of any kind that is under eight inches in length from the point of the nose to the centre of the tail; when a trout or salmon that is under that length is taken, the taker shall return the trout or salmon immediately to the water alive, and if possible, uninjured.

Fisheries Act—continued*Gear Restrictions*

(5) When angling, except when trolling, no one shall use more than one rod that has more than one line attached to the rod.

(6) When angling, except when fly-fishing, no one shall use on a line any gear that is designed to catch more than one fish at a time; provided that when angling, except when fly fishing, in that portion of the Fraser River that lies downstream from the Hope Traffic Bridge, anyone may use on a line gear that is designed to catch not more than two fish at a time.

(7) When angling in any stream of Vancouver Island or of any island adjacent to Vancouver Island or of any island between Vancouver Island and the Mainland, or in the Capilano River, Seymour Creek, or Lynn Creek, North Vancouver region, no one shall use or possess fish roe of any kind nor any compound of fish roe and oil or other substance.

(8) In tidal waters when angling or trolling when sport fishing, no one shall use in the handling or operation of a fishing line a power gurdy or any other gear, implement, or appliance that is motivated by artificial power.

Opens Seasons

(9) In any portion of the Serpentine River, Nicomekl River, Campbell River, Salmon River, or Nathan (Beaver) Creek, in the Lower Mainland District, except from August 16 to March 31, both days inclusive, no one shall fish for, catch, or kill fish of any kind.

Closed Areas

(10) When the Chief Supervisor deems the prohibition of angling or trolling in sport fishing in any portion of tidal waters necessary to assure the sufficient escapement of any fish to seed adequately the spawning grounds adjacent to that portion of tidal waters, he may prohibit angling or trolling in sport fishing in that portion for such time as he deems necessary by posting, or causing to be posted, in a post office of the district a notice of the prohibition.

Special Regulations

- (11) (a) During the times specified hereunder no one shall, without a licence, angle or troll in sport fishing in the tidal waters inside the commercial fishing limits and including the tidal portions of tributary streams
- (1) at the head of Rivers Inlet throughout the period from the twentieth day of July to the fifteenth day of September, both days inclusive, in each year; provided that during each week in the aforesaid period angling or trolling in sport fishing shall not be permissible on Monday, Wednesday and Friday;
 - (2) at the head of Phillips Arm from the first day of June to the thirty-first day of October, both days inclusive.
- (b) When angling in the waters specified in the preceding paragraph, no one shall fish for, catch, or kill in any one day more than three salmon.
- (c) A holder of a licence shall furnish daily to the local fishery officer or guardian the number and the details of fish caught or killed by him.
- (d) There shall be no fee for a licence issued under this subsection.

Fisheries Act—continued*Export*

(12) When a trout has been caught by angling, no one shall buy, sell or expose the trout for sale, for export from the Province; provided that this regulation does not apply to trout that have been artificially propagated under the authority of a permit issued in accordance with the provisions of these regulations.

SPORT FISHING IN NON-TIDAL WATERS

Province-Wide Regulations

75. (1) For the purpose of the administration of sport fishing in non-tidal waters, the Province is divided into the following districts:

Vancouver Island District—Includes all the non-tidal waters of Vancouver Island, the islands adjacent to Vancouver Island, and the islands between Vancouver Island and the Mainland.

Lower Mainland District—Includes all the non-tidal waters in that portion of the Mainland, including those islands adjacent to the Mainland, that is west of the one hundred and twenty-first meridian and south of the fifty-first parallel of north latitude.

Okanagan District—Includes all the waters in that portion of the Province that is east of the one hundred and twenty-first meridian and south of the fifty-first parallel of north latitude from the one hundred and twenty-first meridian to the city of Revelstoke and west of an imaginary straight line drawn from the city of Revelstoke through the town of Midway to the International Boundary line, and so as to include the City of Revelstoke.

Kootenay District—Includes all of the waters in that portion of the Province that is east and northeast of the eastern boundary of the Okanagan District to the eastern boundary of the Province and south of the main line of the Canadian Pacific Railway.

Northern District—Includes all the waters not in other districts described in this subsection.

Catch Limits and Possession Limits

(2) When sport fishing by angling or trolling, or by both means, in non-tidal waters, no one shall fish for, catch, or kill in a day more than three steelhead and rainbow trout or spring and coho salmon that are over five pounds each in weight; provided that in the Lower Mainland District or in the Okanagan District no one shall fish for, catch, or kill in a day more than two steelhead and rainbow trout or spring and coho salmon that are over five pounds each in weight.

(3) When angling in non-tidal waters, except as otherwise provided in these regulations no one shall fish for, catch, or kill in one day more trout, kokanee, or grilse, or any combination of these fish, than twelve, nor in any case shall anyone fish for, catch, or kill, in one day trout, kokanee, or grilse, or any combination of these fish, that total more than twenty-five pounds and one additional fish.

(4) No one shall fish for, catch, or kill in one day more than twelve large-mouthed or small-mouthed black bass.

Fisheries Act—continued

(5) When angling in the Kootenay District or in the Okanagan District (except that portion of the Thompson River west of Savona), no one shall have in his possession more than two days' catch limit, nor elsewhere, more than three days' catch limit.

Size Limits

(6) Except as otherwise provided in this subsection, no one shall fish for, catch, or kill a trout or salmon, of any kind, that is less than eight inches in length from the point of the nose to the centre of the tail; when a trout or salmon that is under that length is taken, the taker shall return the fish immediately to the water alive and, if possible, uninjured (anyone handling undersized fish should do so with wet hands, as otherwise the fish will probably die); provided that no trout of any kind that is less than six inches in length from the point of the nose to the centre of the tail shall be fished for, caught, or killed in the following waters:

Vancouver Island District: Antler Lake, Port McNeill region.

Lower Mainland District: Blaney Lake, Mike Lake, or Loon Lake in the Haney region; Lightening (Quartet) Lakes, Twenty Minute Lake, Lone Duck lake, or Beaver Tree Lake in the E. C. Manning Provincial Park; Alice Lake, Brohm Lake, Phyllis Lake, or Marion Lake, in the Squamish region; Bonaparte River, in the Clinton region.

Okanagan District: Hull Lake, Little Heffley Lake, Rhoda Lake, Lower Paul Creek or Tranquille Creek in the Kamloops region; Aberdeen Lake or Haddo Lake in the Lumby region; the Garnet Valley Dam Reservoir or Trout Creek in the Summerland region; Posthill Lake, Cariboo Lake and Mission Creek in the Kelowna region; Chute Lake in the Penticton region; Madden Lake in the Oliver region; Ashnola River in the Keremeos region; Chain Lake, Link Lake or Osprey Lake in the Princeton region; Paradise Lake in the Quilchena region; Begbie Lake, Butterball Lake and Beaver Lake, in the Revelstoke region.

Kootenay District: Arkansas Lake, Devil's Hole Lake, Panther (Diamond) Lake, St. Almo Lake, or Bayonne Creek in the Creston region; Baker Lake or Tam O'Shanter Lake in the Kootenay landing region; Haisselden Lake, Noakes Lake, Rose Lake, or Whitelady Lake in the Longbeach region; Flint Lake or Milford Lake in the Kaslo region; Bear Lake or Fish Lake in the Sandon region; Wheeler Lake and Tanal Lake in the Ainsworth region; Evans Lake, and Cahill Lake in the Slocan region; Cottonwood Lake in the Nelson region; McRae Creek in the Grand Forks region; Rock Lake in the Invermere region; Clearwater (Apex) Lake, Marble Lake, Wolf Lake and Mill Lake in the Salmo region.

Northern District: Bonaparte River or Fifty-seven Mile Creek in the Clinton region.

Gear Restrictions

- (7) (a) In non-tidal waters, except by angling or trolling, no one shall fish for, catch or kill any trout.
- (b) When angling in non-tidal waters, no one shall use more than one rod that shall have not more than one line attached to it; provided that, when trolling, anyone who is alone in a boat may

Fisheries Act—continued

use not more than two lines which need not be held in the hand, and where more than one person is in the boat, no one in the boat may use more than one line which need not be held in the hand.

(8) When angling in non-tidal waters, except when fly fishing, no one shall use on a line any gear which is designed to catch more than one fish at a time.

(9) In non-tidal waters, no one shall use live crayfish or live fish for bait, nor shall anyone have live crayfish or live fish in possession for use in angling.

(10) In non-tidal waters, for the purpose of attracting, collecting, feeding, or taking fish of any kind, no one shall deposit, scatter, or otherwise ground-bait any fish eggs, fish roe and oil, or other substance.

(11) Except for lake trout (char) in Lac la Hache, no one shall fish for, catch or kill fish through an opening or hole in the ice.

(12) In non-tidal waters when angling or trolling when sport fishing, no one shall use in the handling or operation of a fishing line, a power gurdy or any other gear, implement or appliance that is motivated by artificial power.

Open Seasons

(13) Except as otherwise provided in these regulations and except from July 1 to March 31, both days inclusive, no one shall fish for, catch or kill any small-mouthed black bass.

Closed Areas

(14) When the Attorney-General for the Province of British Columbia deems the prohibition of angling in any non-tidal water necessary to protect the fish in that water, he may prohibit angling in that water for such time as he deems necessary by posting, or causing to be posted, in a post office of the district in which the water is, a notice that angling is prohibited in that water for a specified period.

(15) No one shall buy, sell or expose for sale for export from the Province any trout that has been caught by angling; provided that this regulation shall not apply to trout that have been artificially propagated under a licence issued in accordance with these regulations.

(16) Except under licence from the Attorney-General, for the Province of British Columbia and under conditions prescribed by him, no one shall engage in breeding or rearing trout of any kind for commercial purposes.

VANCOUVER ISLAND DISTRICT

Catch Limits and Possession Limits

See Province-wide Regulations.

Fisheries Act—continued*Size Limits*

See Province-wide Regulations.

Gear Restrictions

See Province-wide Regulations.

(17) When angling in any water in the Vancouver Island District, no one shall use or possess fish roe of any kind, or any compound of fish-roe and oil, or other substance.

No Closed Season

(18) Subject to these regulations, anyone may fish for, catch, or kill cutthroat, brown (Loch Leven), rainbow, or Kamloops trout in those portions of the following waters that lie downstream from the points designated:

Salmon River	First bridge on Government road upstream from the mouth of the Salmon River.
Oyster River	Island Highway Bridge.
Campbell River	Island Highway Bridge.
Puntledge River	Upper Government Bridge in Courtenay.
Tsolum River	Sandwick Store, Sandwick.
Tsable River	Island Highway Bridge.
Big Qualicum River	Fishing boundary signs approximately two hundred and fifty yards above Island Highway Bridge.
Little Qualicum River ...	Island Highway Bridge.
French Creek	Island Highway Bridge.
Englishman River	Island Highway Bridge.
Nanaimo River	Island Highway Bridge (Lower).
Chemainus River	Island Highway Bridge.
Cowichan River and	
Koksilah River	The bridges on the Lower Trunk Road.
Somass River	The old paper-mill dam.
Sooke River	A point approximately one-quarter mile above the confluence of the Sooke River with Demaniel Creek that is marked by fishing boundary signs.

Open Seasons

(19) In the waters of the Vancouver Island District, except as provided otherwise in these regulations and except from March 1 to November 30, both days inclusive, no one shall fish for, catch, or kill any cutthroat, brown (Loch Leven), rainbow, or Kamloops trout.

Fisheries Act—continued

Closed Areas

- (20) (a) In any tributary of the Somass River, the Stamp River, the Sproat River, or the Ash River, Alberni region, no one shall fish for, catch or kill fish a greater distance above or beyond the mouth of the tributary than twenty-five yards.
- (b) In the upper Nahmint River that flows into Nahmint Lake, no one shall fish for, catch or kill fish.
- (c) In any stream that flows into Cowichan Lake, no one shall fish for, catch or kill fish.

LOWER MAINLAND DISTRICT

Catch Limits and Possession Limits

See Province-wide regulations.

- (21) In the Lower Mainland District, no one shall fish for, catch or kill more than forty steelhead trout in any one calendar year.

Size Limits

See Province-wide Regulations.

Gear Restrictions

See Province-wide Regulations.

- (22) (a) In the waters and the tributaries of the Capilano River, Seymour Creek, or Lynn Creek, North Vancouver region, or in the waters of the Cheakamus River, Squamish region, when angling, no one shall use or possess fish roe of any kind, or any compound of fish roe and oil or other substance.
- (b) When angling or trolling, no one shall use a power boat above the dyke gates in the Nicomekl River or the Serpentine River nor any boat in the Thompson River downstream from the Ashcroft Highway Bridge.

No Closed Season

- (23) (a) Subject to these regulations, anyone may at any time fish for, catch, or kill steelhead, rainbow, cutthroat, or Kamloops trout in the Harrison River, Harrison Lake, Pitt Lake, or the Pitt River (Lower), or in those portions of the following waters that lie downstream from the points designated;

Fraser River	Hope Traffic Bridge.
Capilano River	Keith Road Bridge.
Lynn Creek	Keith Road Bridge.
Seymour Creek	Keith Road Bridge.
Brunnette River	North Road Bridge.
Coquitlam River	Old Lower Pitt Road Bridge.
Sturgeon Slough	The dyke-gate.
North Alouette River	Boundary post approximately one mile above the junction of the North and South Alouette Rivers.
South Alouette River	Fifth Avenue Bridge.
Kanaka Creek	Seventeenth Avenue Bridge, approximately one mile from the Canadian Pacific Railway.

Fisheries Act—continued

Whonnock Creek	Canadian Pacific Railway Track Bridge.
Stave River	The new dam near Ruskin.
Silverdale River	Canadian Pacific Railway Track Bridge.
Hatzic Slough	Canadian Pacific Railway Track Bridge.
Matsqui Slough	The dyke-gate.
West Creek	Canadian National Railway Track Bridge.
Sumas River	British Columbia Electric Railway Bridge.
Vedder and Chilliwack Rivers	A straight line drawn across at the mouth of Likumitson Creek.
Coquihalla River	Confluence with Nicolum River.

- (b) Subject to these regulations, anyone at any time may fish for, catch or kill fish in the Thompson River or the Nicola River.
- (c) Except as otherwise provided in these regulations there shall be no closed season for fishing in LAKES in the Lower Mainland District.

Open Seasons

- (24) (a) In the Lower Mainland District, STREAMS only, except as otherwise provided in these regulations and except from March 1 to November 30, both days inclusive, no one shall fish for, catch or kill any rainbow, cutthroat, or Kamloops trout.
- (b) In the Serpentine River, the Nicomekl River, the Campbell River, the Salmon River, Nathan (Beaver) Creek, or Marshall (Lonzo) Creek, or in the tributaries of these waters, except as provided in paragraph (b) of subsection (25) of this section, and except from August 16 to March 31, both days inclusive, no one shall fish for, catch, or kill fish of any kind.
- (c) In the Capilano River, Seymour Creek or Lynn Creek, above the points designated in paragraph (a) of subsection (23) of this section, or in the waters of their tributaries, except from November 1 to July 31, both days inclusive, no one shall fish for, catch or kill fish of any kind.
- (d) In Miller Creek, Alpha Creek, Nita Creek, Alta Creek, Mons Creek, Rainbow Creek, or Summit Creek, or Twenty-one Mile Creek, all in the Alta Lake region, except from June 16 to March 31, both days inclusive, no one shall fish for, catch or kill trout of any kind.
- (e) In the North Alouette River, the South Alouette River, the Coquitlam River, the Brunnette River, Whonnock Creek, or Kanaka Creek, or in the tributaries of those waters, except as provided in subsection (23) and in paragraph (d) of subsection (25) of this section, and except from October 15 to June 30, both days inclusive, no one shall fish for, catch, or kill fish of any kind.
- (f) Within a radius of one hundred yards of the mouth of any river or stream that enters or flows into Powell Lake, except from June 16 to April 14, both days inclusive, no one shall fish for, catch, or kill fish of any kind.
- (g) In the Harrison River, except from November 15 to September 14, both days inclusive, no one shall fish for, catch, or kill salmon of any kind by angling.

Fisheries Act—continued

- (h) In Silver Lake and Silver Creek or in any of the tributaries of these waters that is above the Canadian National Railway Bridge, or in the Coquihalla River and its tributaries above its confluence with the Nicolum River except as otherwise provided for in these regulations and except from May 1 to the last day of February, both days inclusive, no one shall fish for, catch, or kill fish of any kind.

Closed Areas

- (25) (a) In any stream or lake, or portion of any stream or lake, in the watershed of the Capilano River, Seymour Creek, or Lynn Creek that is above the intake of the waterworks of the water supply for the cities of Vancouver and North Vancouver and of the District of North Vancouver, no one shall fish for, catch, or kill fish of any kind.
- (b) No one shall fish for, catch, or kill fish of any kind in any of those waters of the Serpentine River, the Nicomekl River, the Campbell River, the Salmon River, Nathan (Beaver) Creek or Marshall (Lonzo) Creek, or in any tributary of any of these waters that is above any of the following boundaries:

Marshall (Lonzo) Creek . "C" Street Bridge
 Serpentine River Townline Road near Tynehead
 Nicomekl River Berry Road
 Campbell River Hall's Prairie Road near Hazelmere
 Salmon River Balfour Road
 Bear Creek (Tributary to
 Serpentine River) ... Johnson Road
 Nathan (Beaver) Creek . Jackman Road

or in the waters of Anderson Creek or in those waters of the Nicomekl River that are within fifty yards of the mouth of Anderson Creek.

- (c) No one shall fish for, catch, or kill fish of any kind in the waters of Cannell Lake, Steelhead region, or in any of the waters of Hairsine Creek, or Steelhead Creek that flows into Hayward Lake, or in any of the waters of Kelly Creek, or in any of the tributaries of these waters that are above Wright Road in the Village of Clayburn in the Municipality of Matsqui, or in any of those waters of Sweltzer Creek from Cultus Lake to five hundred feet below the main highway bridge that crosses Sweltzer Creek, or in any of the waters of the Brunnette River from the dam at the outlet of Burnaby Lake to Cariboo Road.
- (d) In that portion of the South Alouette River that is above the old logging bridge at Alco Camp, no one shall fish for, catch, or kill fish of any kind.
- (e) No one shall fish for, catch, or kill fish of any kind in the following waters in the Bridge River region:
- Penrose Creek, a tributary of Little Gun Lake
 Little Gun Creek, that connects Little Gun Lake and Big Gun Lake
 Big Gun Creek, that flows out of Big Gun Lake to Gun Creek

Fisheries Act—continued

McDonald (Fish) Creek, that flows out of McDonald (Fish) Lake into
 Bridge River
 Crane's Creek, a tributary of Tyaughton Lake
 Bell's Creek, a tributary of Tyaughton Lake
 Tyaughton Creek, for a distance of one mile downstream from Tyaughton Lake
 or in the Squamish Region, in those waters known as Mashiter Creek, a tributary of Mamquam River, or in Brohm Creek, a tributary of the Cheekeye River.

- (f) In that portion of Upper Silver Creek, that flows into Silver Lake, Hope region, no one shall fish for, catch or kill fish of any kind.
- (g) In that portion of the Coquihalla River that lies upstream from the junction of the Coquihalla River with the Nicolum River to the northern end of the tunnel that is north of Mile 49.6 Bridge of the Canadian Pacific Railway, or in that further portion of the Coquihalla River or any tributary of the Coquihalla River, excluding lakes, that is above Eleven Mile Creek, no one shall fish for, catch or kill fish of any kind.
- (h) In any of the waters of Slesse Creek, or in any of the tributaries of Slesse Creek, or in any of the waters of the Chilliwack River that lie between the confluence of Slesse Creek and Chilliwack River and Chilliwack Lake, no one shall fish for, catch or kill fish of any kind.

OKANAGAN DISTRICT

Catch Limits and Possession Limits

See Province-wide Regulations.

Size Limits

See Province-wide Regulations.

Gear Restrictions

See Province-wide Regulations.

No Closed Seasons

- (26) (a) In the Similkameen River, the Kettle River, and the West Fork of Kettle River, and the tributaries of these waters, there is no closed season for fishing for, catching or killing Rocky Mountain whitefish.
- (b) In the Nicola River, the Thompson River, and South Thompson River, there is no closed season for fishing for, catching or killing fish of any kind.
- (c) Except as otherwise provided in these regulations there shall be no closed season for fishing in LAKES in the Okanagan District.

Open Seasons

- (27) (a) In the Okanagan District, except as otherwise provided in these regulations, and except from May 15 to the last day of February, both days inclusive, in any STREAM, no one shall fish for, catch, or kill any trout or Rocky Mountain whitefish.

Fisheries Act—continued

- (b) In Paul Creek that flows into Paul Lake, except from July 1 to December 31, both days inclusive, no one shall fish for, catch, or kill fish of any kind.
- (c) Within a radius of one hundred yards of the mouth of any river or stream that enters or flows into Mara Lake, Mabel Lake, Adams Lake, Sugar Lake, or Shuswap Lake, except Adams River, from April 1 to April 30, both days inclusive, no one shall fish for, catch or kill trout of any kind.
- (d) In any stream that is tributary to Penask Lake, except from August 16 to May 31, both days inclusive, no one shall fish for, catch or kill trout of any kind.
- (e) In Mill Creek, Kelowna region, except from April 1 to September 30, both days inclusive, no one shall fish for, catch, or kill fish of any kind.
- (f) In the Kettle River, or in the West and North Forks (Granby River) of Kettle River, or in any tributary streams to these waters, except from June 1 to September 15, both days inclusive, no one shall fish for, catch, or kill trout of any kind.

Closed Areas

- (28) (a) Within a radius of four hundred yards of the flume that supplies water for spawning beds at the western end of Echo Lake, Creighton Valley region, no one shall fish for, catch, or kill fish of any kind.
- (b) In Little Pinantan Lake, Kamloops region, no one shall fish for, catch or kill fish of any kind.
- (c) In that portion of Coldstream Creek that is below the fish barrier that lies within the boundaries of the Coldstream Municipality, or at the mouth of Coldstream Creek, or in that portion of Kalamalka (Long) Lake that lies inside of an imaginary straight line drawn from the City Wharf to Kinloch Point, no one shall fish for, catch, or kill fish of any kind.
- (d) In that portion of Nicklen Creek, Lumby region, that is within one mile downstream from the dam at the outlet of Nicklen Lake, no one shall fish for, catch, or kill trout of any kind.
- (e) In any stream that flows into or out of Clearwater (Nickel Plate) Lake, Hedley region, or in Allison (One Mile) Creek that flows between Allison (Burns) Lake, Borgeson (Round) Lake, Dry Lake, Laird (MacKenzie) Lake, or Blue (McCaffrey) Lake, Princeton region, no one shall fish for, catch, or kill fish of any kind.
- (f) In the waters of B. X. Creek that commence at the fish barrier fence downstream to Swan Lake, no one shall fish for, catch, or kill fish of any kind.
- (g) In Keremeos Creek, Keremeos region, no one shall fish for, catch, or kill fish of any kind except from April 1 to September 30, both days inclusive.

KOOTENAY DISTRICT

Catch Limits and Possession Limits

See Province-wide Regulations.

- (29) (a) In Dutch Creek that flows into Columbia Lake, no one shall fish for, catch or kill in one day more than twelve Rocky Mountain whitefish.

Fisheries Act—continued

- (b) In the Kootenay River and in the south end of Kootenay Lake, Creston region, under a permit issued by the Game Commission, a licensed angler may use one set-line to take, for domestic use only, one sturgeon that is not less than thirty-six inches in length.
- (c) No one shall have in his possession more than one sturgeon that is thirty-six inches or more in length.

Size Limits

See Province-wide Regulations.

Gear Restrictions

See Province-wide Regulations.

- (30) (a) In Arrow Lakes, Trout Lake, Kootenay Lake, the West Arm of Kootenay Lake, the Kootenay River, or in the tributaries to these waters, or in Munroe Lake, Cranbrook region, no one shall angle or troll with a line, gear, tackle, hook, or attraction that has attached to the line, gear, tackle, hook, or attraction more than two spinners, spoons, blades, flashers, or like attraction or more than one rudder.
- (b) In the waters of the Provincial Electoral Districts of Columbia, Cranbrook, or Fernie, when angling, no one shall use or possess fish roe of any kind, or any compound of fish roe and oil, or other substance.

No Closed Season

(31) Except as otherwise provided in these regulations, there shall be no closed season for fishing in LAKES in the Kootenay District.

Open Seasons

- (32) (a) In the Kootenay District, except as provided otherwise in these regulations, and except from May 15 to November 14, both days inclusive, in any STREAM, no one shall fish for, catch, or kill trout of any kind.
- (b) In Summit Creek, Creston region, or in Sanca Creek, except from July 1 to November 14, both inclusive, no one shall fish for, catch, or kill fish of any kind.
- (c) In Big Sheep Creek, Little Sheep Creek, Meadow Creek, (vicinity of Kitchener), or Beaver Creek (vicinity of Fruitvale), except from May 1 to August 31, both days inclusive, no one shall fish for, catch, or kill trout of any kind.
- (d) In Watson Creek, Goat Creek, that portion of Kaslo Creek that is between Fish Lake and Retallack, or the Creek between Fish Lake and Bear Lake, Sandon region, except from June 16 to November 14, both days inclusive, no one shall fish for, catch, or kill fish of any kind.
- (e) In Mather (Cherry) Creek, Ta Ta Creek, or in those waters of Palmer Bar Creek that commence at the east Swansea Bridge and the fishing boundary sign and thence continue downstream to the Moyie River, except from June 1 to August 31, both days inclusive, no one shall fish for, catch, or kill fish of any kind.

Fisheries Act—continued

- (f) In Coffee Creek, Woodbury Creek, Kaslo Creek, Hamill Creek, Crawford Creek, Canyon Creek, Cultus Creek, or Midge Creek, flowing into the Duncan River and Kootenay Lake, or in Goat River, Summit Creek, or the West Fork flowing into the Kootenay River, except from June 1 to July 31, both days inclusive, and except from October 1 to November 14, both days inclusive, no one shall fish for, catch, or kill Dolly Varden trout.
- (g) In Boundary Creek, Creston region, or in any of the tributary streams that flow into Boundary Creek, except from June 1 to August 15, both days inclusive, no one shall fish for, catch or kill trout of any kind.
- (h) In the Columbia River, the Elk River, the Michel River, the St. Mary River, the Kootenay River, except from May 1 to November 14, both days inclusive, no one shall fish for, catch or kill trout of any kind; except that in that portion of the Columbia River from Castlegar to the International Boundary line, Waneta region, or the Pend d'Oreille River, except from April 1 to December 14, both days inclusive, no one shall fish for, catch, or kill trout of any kind.
- (i) In the Kettle River, in the West and North Forks of the Kettle River (Granby River) or in any tributary streams of these waters, except from June 1 to September 15, both days inclusive, no one shall fish for, catch, or kill trout of any kind.

Closed Areas

- (33) (a) In Violin Lake or the Reservoir; in Texas Creek, or Sanders Creek, flowing into Christina Lake; or in those waters of Jewel Lake that are within four hundred feet northeast of the outlet of the storage dam, Greenwood region, no one shall fish for, catch, or kill fish of any kind.
- (b) In that portion of the Elk River that lies upstream from Mosquito Flats, in any of the lakes or streams that are tributary to Elk River above Mosquito Flats, in Hartley Lake, in Morrissey Creek, Hartley Creek, Spruce Creek, Lladner (Olson) Creek, Zwick Creek, or Dalziel Creek, all tributary to the Elk River, or in Leach (Martin) Creek that flows into Michel Creek, Fernie region, no one shall fish for, catch, or kill fish of any kind.
- (c) In Fish Lake, or any of the streams that flow from Fish Lake, Palmer Bar Creek to the town of Lumberton, in any of the streams that flow into or out of Munroe Lake, or in those portions of St. Joseph Creek from one-half mile downstream to one-half mile upstream from the Cranbrook Trout Hatchery, and including all the waters of the Cranbrook City Reservoir, all in the Cranbrook region, no one shall fish for, catch, or kill fish of any kind.
- (d) In the Lardeau River, or in any tributary of the Lardeau River, from the outlet of Trout Lake to its confluence with the Duncan River near Marblehead, in Meadow Creek that flows into the Duncan River, or in those waters that are within four hundred yards of the mouth of Wilkie (Trout) Creek flowing into Trout Lake, no one shall fish for, catch, or kill trout of any kind.
- (e) In that portion of Cottonwood Creek that commences at Cottonwood Falls and thence flows into the West Arm of Kootenay Lake, no one shall fish for, catch, or kill fish of any kind.

Fisheries Act—continued

NORTHERN DISTRICT

Catch Limits and Possession Limits

See Province-wide Regulations.

Size Limits

See Province-wide Regulations.

Gear Restrictions

See Province-wide Regulations.

No Closed Season

(34) (a) There is no closed season for trout of any kind or Rocky Mountain whitefish in any of those portions of the following waters that lie downstream from the points designated:

- Yakoun RiverAt Boulder Rapids.
- Mamin RiverAt the log-jam approximately one mile from the mouth of the Mamin River.
- Ain RiverAt the first falls above the mouth of the Ain River.
- Awun RiverAt the end of the slashing on the right bank, approximately one quarter mile from the mouth of the Awun River.
- Kumdis RiverAt the bridge on Mayer Lake Road.
- Bella Coola RiverAt Stuie.
- Skeena RiverAt the confluence with the Copper River, but not including the Copper River.
- Martin Creek (Cousins Inlet)At a point three miles upstream from the mouth of Martin Creek.

(b) Except as otherwise provided in these regulations, there shall be no closed season for fishing in LAKES in the Northern District.

Open Seasons

- (35) (a) In the Northern District, except as provided otherwise in these regulations, and except from May 15 to November 14, both days inclusive, in any of the STREAMS, no one shall fish for, catch, or kill any rainbow, cutthroat, or Kamloops trout, Arctic grayling, or Rocky Mountain whitefish.
- (b) In Lakelse River, except from May 1 to November 14, both days inclusive, no one shall fish for, catch, or kill trout of any kind.
- (c) In any of the portions of Schullabuchan Creek, Salmon Creek, or Williams Creek, Lakelse Lake region, that are within two hundred yards of any of the mouths of these creeks, or in any of those portions of Lakelse Lake that are within a distance of two hundred yards of any of the mouths of these creeks, except from October 1 to July 15, both days inclusive, no one shall fish for, catch, or kill fish of any kind.

Closed Areas

(36) In Nadsilnich (West) Lake, Prince George region, until May 1, 1955, no one shall fish for, catch, or kill fish of any kind.

Fisheries Act—continued

Schedule A

District No. 1 embraces that portion of the coast and waters tributary thereto of the mainland inside of a straight line drawn in a southeasterly direction from Reception Point on Sechelt Peninsula through Thresher Rock Light to the most southerly point of Gabriola Reefs, thence in a westerly direction to the most northerly point of Valdes Island, thence in a straight line to the most westerly point of the International Boundary lying on the 49th parallel of North Latitude in the Gulf of Georgia.

District No. 2 embraces the coast and waters tributary thereto of the mainland from a straight line drawn due west from Cape Caution northward to the northerly boundary of the Province, as well as the coast and waters of the islands opposite that portion of the mainland coast.

The following subdivisions of District No. 2, for the purposes of the methods of fishing hereinafter designated, consist of the areas described after their names:

Salmon Gill-Net or Drift-Net Fishing

The Naas River—The estuary of the Naas River and all waters lying between the Alaska-Canada International Boundary and a straight line drawn from a fishing boundary sign placed on the mainland south of Port Simpson Harbour due west to the most southerly Point on Finlayson Island, then following along the western shore of Finlayson Island to the most northerly point of that Island, thence in a straight line to Green Island Light, thence in a straight line west magnetic to a fishing boundary sign placed on the easterly coast of Dundas Island, following the easterly shore of Dundas Island to the most southerly point on Prince Leboo Island, thence in a straight line to a point three (3) miles true west of Aranzazu Point at the northwestern extremity of Zayas Island, thence true north in a straight line to the Alaska-Canada International Boundary; excepting the north arm of Wark Canal (Quatoon Inlet).

Skeena River—The estuary of the Skeena River and adjacent waters, inside, that is, south of the southern boundary of the Naas River gill-net area, hereinbefore described, bounded on the west by a line commencing at the fishing boundary on Dundas Island, opposite Green Island Light, following the easterly shore of Dundas Island to the most southerly point on Prince Leboo Island, thence in a straight line to Taylor Rock, thence to Hammer Rocks, thence to the most southeasterly point on Avery Island, thence to a fishing boundary sign placed on the east shore of Stephens Island, approximately two (2) miles south of Riel Point following the northern shore of Stephens Island to Hooper Point, thence in a straight line to the most southerly point on the Archibald Island group, thence to China Island on the east coast of Stephens Island, thence to Fan Point on Porcher Island, the southerly boundary to be a line drawn from Peninsular Point on Porcher Island in an easterly direction to the most northerly point on Gibson Island to a fishing boundary sign on the shore of the mainland, to be placed there each season by a fishery officer.

Butedale—The waters of salmon purse-seine area No. 6 as described in these regulations.

Bella Coola—North Bentinck Arm, South Bentinck Arm and Burke Channel down to a straight line drawn from a fishing boundary sign established at the easterly entrance to Kwatna Inlet to a point on King Island, opposite, also marked by a fishing boundary sign.

Fisheries Act—continued

Dean Channel—Dean Channel down to a straight line drawn from Edward Point on King Island to a point on the mainland, opposite, marked by a fishing boundary sign.

Namu—The waters of salmon purse-seine area No. 8 as described in these regulations.

Rivers Inlet—Rivers Inlet and adjacent waters between a straight line drawn due west from Canoe Rock and a straight line drawn easterly from Truman Point on Calvert Island, through Hanbury Point on Blair Island, to fishing boundary signs on the mainland shore.

Smith Inlet—Smith Inlet and Smith Sound and adjacent waters between straight lines drawn due west from Canoe Rocks and Cape Caution.

Principe Channel—Principe Channel and adjacent waters within the following boundaries: Commencing at Archibald Point on Banks Island, thence in a southeasterly direction following the eastern shore of Banks Island to the most southerly point of that Island, thence in a straight line in an easterly direction to Marble Rocks at the northwesterly extremity of Campania Island, thence following the northwesterly shore of Campania Island to Fanny Point, thence in a straight line to Steep Point on Pitt Island, thence following the southerly and westerly shores of Pitt Island to a fishing boundary sign placed on the shore at the entrance to Anger Island pass, thence in a straight line in a northwesterly direction to a fishing boundary sign placed on Anger Island, thence following the western shore of Anger Island to its most northwesterly point, thence in a straight line to a fishing boundary sign placed on the most southerly point of McCauley Island, thence following the western shore of McCauley Island to Baird Point, thence in a straight line in a westerly direction to Archibald Point on Banks Island.

Gardner Canal—The waters of Gardner Canal.

Grenville-Odgen—The waters of salmon purse-seine area No. 5 as described in these regulations, excepting the waters embraced in Principe Channel salmon gill-net area.

Bella Bella—The waters of salmon purse-seine area No. 7 as described in these regulations.

North Queen Charlotte Islands—The waters of salmon purse-seine area No. 1 as described in these regulations.

Central Queen Charlotte Islands—The waters of salmon purse-seine area No. 2A as described in these regulations.

South Queen Charlotte Islands—The waters of salmon purse-seine area No. 2B as described in these regulations.

*Salmon Purse-Seine Fishing***AREA No. 1**

The waters of that portion of the north and west coasts of Graham Island from Rose Spit to Tian Head, and including Massett Inlet and Naden Harbour.

AREA No. 2A

The waters of that part of the west coast of Queen Charlotte Islands lying between Tian Head and Sunday Inlet; also the waters of the east coast of Queen Charlotte Islands lying between Rose Spit and the southerly point of Copper Bay, including Skidegate Inlet and Skidegate Channel.

Fisheries Act—continued**AREA No. 2B**

The waters of that part of the east coast of Queen Charlotte Islands from the southerly point of Copper Bay to Cape St. James and the waters of the west coast of Queen Charlotte Islands from Cape St. James to Sunday Inlet.

AREA No. 3

The waters of the Naas River salmon gill-net area as defined in these regulations excepting the waters adjacent to the mouth of the Naas River inside an area bounded on the north by a straight line drawn across Observatory Inlet at a point approximately five (5) miles above North Point, marked by fishing boundary signs, and on the south by a straight line drawn across Portland Inlet from Trefusis (Ten-mile) Point on Mylor Peninsula to Lizard Point on Pearse Island, and on the west by a straight line drawn from Ramsden Point on the mainland to Portland Point on Pearse Island.

AREA No. 4

Tuck Inlet and that portion of Prince Rupert Harbour lying northerly and easterly of a straight line drawn between Wolfe Island and the Prince Rupert dry-dock.

AREA No. 5

The waters of that portion of the coast included in the following described boundaries: Commencing at Cape George on Porcher Island, thence to Archibald Point on Banks Island, continuing along the west coasts of Banks Island and Estevan Island to Ulric Point on Aristazabal Island, thence northerly to Fawcett Point on Gil Island, following the west and north coasts of Gil Island to Maple Point, thence to Cape Farewell on Promise Island, following the western shore of Promise Island to Dawson Point, thence to Halsey Point on Douglas Channel, thence westerly along the coast of Stewart Narrows to Camp Point, thence along the northerly coast of Grenville Channel to a point on the mainland due east from the most northerly point on Gibson Island, thence to the most northerly point on Gibson Island, thence in a straight line to Peninsula Point on Porcher Island following the southerly coast line of Porcher Island to the point of commencement; but not including Curtis Inlet, Mikado Bay, Union Passage, nor the waters of Principe Channel gill-net or drift-net area, hereinbefore described, except as provided in section 44 of these regulations.

AREA No. 6

The waters of that portion of the coast, including the islands opposite, as well as Douglas Channel, from the easterly and southerly boundaries of area No. 5 hereinbefore described, to a straight line drawn from Day Point on Price Island to Jorkins Point, thence to Legace Point on Susan Island, thence along the south shore of Susan Island to Miall Point, thence along the westerly shore of Mathieson Channel to the most northerly point in James Island, thence due east across Mathieson Channel to a fishing boundary sign established on the mainland, but not including Gardner Canal, Kildala Arm, Gil-To-Yees, Rivers Bight, Old Hartley Bay, that portion of Kitimat Arm north of the most northerly point of Coste Island, Griffin Pass, Talamosa Inlet on Laredo Channel, and Qua-Qua on Swindle Island.

Fisheries Act—continued**AREA No. 7**

The waters of that portion of the coast, including the islands opposite, from the southeasterly boundary of Area No. 6, hereinbefore described, to a straight line drawn from Sunny Island to George Point, thence following the easterly shore of Denny Island to Start Point, thence across Lama Pass to Kaiete Point, thence along the easterly shores of Hunter Island and Nalau Islands to Bayly Point, thence to the most southerly point on Stirling Island, and including all waters north of Hakai Pass.

AREA No. 8

The waters of that portion of the coast lying easterly and southerly from the eastern and southern boundary of Area No. 7 hereinbefore described, including all the bays and inlets thereof to Hanbury Point on Blair Island, thence to Truman Point on Calvert Island, thence through Calvert Island to Herbert Point; but not including Port John, Koeys Bay, Kisemete Bay, Cousins Inlet, Jenny Bay, Elcho Harbour, that portion of Dean Channel above, that is northeasterly of a straight line drawn due north from Edwards Point on King Island to a point on the mainland opposite marked by a fishing boundary sign, Labouchere Channel, East Arm of Kwatna Inlet, that portion of Burke Channel above, that is northeasterly of a straight line drawn due north from the eastern side of the entrance to Kwatna Inlet to a point on King Island opposite, marked by a fishing boundary sign, that portion of South Bentinck Arm up to Hot Spring Island, approximately five (5) miles above the entrance thereof.

AREA No. 9

The waters of the Rivers Inlet Area, hereinbefore described, only as provided by section 44 of these regulations but not including Hole-in-the-Wall.

AREA No. 10

The waters of Smith Inlet area, hereinbefore described, but only as provided by section 44 of these regulations.

District No. 3 embraces the remainder of the Province.

District No. 3 is subdivided as follows:

West Coast Area—Embracing all the territorial waters of British Columbia on the west coast of Vancouver Island between Beechey Head on the south and Cape Scott on the North.

East Coast Area—Embracing all the territorial waters of British Columbia between the east coast of Vancouver Island and the mainland from Beechey Head on the south end of Vancouver Island to a straight line drawn from Cape Scott to Cape Caution on the north, except those portions thereof as are specially exempted elsewhere in these regulations.

The following subdivisions of District No. 3, for the purposes of the methods of fishing hereinafter designated, consist of the areas described after their names:

*Salmon Purse-Seine Fishing***AREA No. 11**

The waters of that portion of the coast from the southern boundary of Area No. 10 hereinbefore described, to a straight line drawn from the northerly side of Shelter Bay to Secretary Point on Hope Island, thence extending due west, including Seymour and Belize Inlets, but only as provided by section 44 of these regulations.

Fisheries Act—continued

AREA No. 12

The waters of that portion of the coast between Vancouver Island and the mainland between a straight line drawn from Cape Scott to Secretary Point on Hope Island to the northerly side of Shelter Bay and a straight line drawn from Tuna Point at the easterly entrance of Blinkinsop Bay due south magnetic to a point on Vancouver Island but not including the waters between Cape Scott and Beaver Cove, which comprise amongst others, Goletas Channel, Labouchere Channel and Broughton Strait, before June first in each year, Drury Inlet, Acteon Sound, McKenzie Sound before August first in each year; Baronet Passage, Parsons Bay, Wakeman Sound, that portion of Knight Inlet that is easterly of Hoeya Sound, Port Neville, Coon Dog Bay, and Blinkinsop Bay.

AREA No. 13

The waters of that portion of the coast between Vancouver Island and the mainland between the southeasterly boundary of Area No. 12, hereinbefore described, and a straight line drawn from George Point at the easterly entrance of Ramsay Arm to the most southerly point of Cortez Island, thence in a straight line to Shelter Point on Vancouver Island; but not including Loughborough Inlet, Phillips Arm, and Ramsey Arm, after August thirty-first in each year, Deepwater Bay before October first in each year, Bute Inlet, Forward Harbour, the waters of Discovery Passage at the mouth of Campbell River, bounded on the south by a straight line drawn from Cape Mudge due west to a point on Vancouver Island and on the north by a straight line drawn from Wilfred Point through the northwesterly point of Maude Island to the mainland of Quadra Island at the entrance to Seymour Narrows; nor that portion of Johnstone strait known as Salmon Bay, at the mouth of Salmon River, inside of a straight line drawn from a fishing boundary sign placed on the shore of Vancouver Island approximately one (1) mile northwesterly from Kelsey Bay Wharf to a fishing boundary sign placed on the Vancouver Island shore approximately one-half mile easterly of Port Kusam.

AREA No. 14

The waters of that portion of the east coast of Vancouver Island, including Hornby and Denman Islands and the southerly coast of Lasqueti Island from Point Young on the south to the most northerly point of Finerty Island on the north, between a straight line drawn from Shelter Point to the most southerly point of Cortez Island and a straight line drawn southwesterly from Point Young at the southern end of Lasqueti Island, through Mistaken Island to a fishing boundary sign on Vancouver Island; but not including the waters of that portion of the coast of Vancouver Island within two (2) miles thereof between a point two (2) miles southeasterly of Englishman River to a point two (2) miles northwesterly of Big Qualicum River, within two (2) miles of the mouths of Oyster and Black Rivers; nor that portion of Baynes Sound between a straight line drawn from Union Bay Wharf on Vancouver Island to Beak Point at the north end of Denman Island, and a straight line drawn from the most easterly point of Deep Bay due north to a fishing boundary sign placed on the shore of Denman Island, approximately two miles west of Boyle Point; nor that portion of the waters adjacent to the east coast of Vancouver Island lying inside of a straight line drawn from Cape Lazo to Beak Point at the north end of Denman Island, thence in a straight line to Union Bay Wharf on Vancouver Island, before October first in each year.

Fisheries Act—continued**AREA No. 15**

The waters of that portion of the mainland coast, including Hernando, Savary and Harwood Islands between a straight line drawn from George point at the easterly entrance of Ramsay Arm to the most southerly point of Cortez Island and a straight line drawn from the most southerly point of Harwood Island to Powell River, but not including Toba Inlet, Malaspina Inlet, Theodosia Arm, Launcelot Arm and Okeover Arm.

AREA No. 16

The waters of that portion of the mainland coast including Texada Island and the northerly coast of Lasqueti Island from Point Young on the south to the most northerly point of Finnerty Island on the north, between the southeasterly boundary of Area No. 15, hereinbefore described, and Reception Point on Sechelt Peninsula; but not including Queens Reach, Princess Royal Reach, and that portion of Prince of Wales Reach lying north of a straight line drawn from a fishing boundary sign placed on Saunarez Bluff due east, true bearing to a fishing boundary sign placed on the opposite shore, after September fifteenth in each year; nor the Saginaw area from a fishing boundary sign placed on the eastern shore of Agamennon Channel, thence one (1) mile in a northern direction from Saginaw Creek, thence in a straight line to Fearney Point, thence in a straight line to Norman Point, thence following the shore line to aforesaid fishing boundary sign; nor Pender Harbour.

AREA No. 17

The waters of that portion of the east coast of Vancouver Island and the Gulf of Georgia included in the following described boundaries: commencing at Point Young on Lasqueti Island in a straight line through Mistaken Island to a fishing boundary sign established on Vancouver Island, thence following the easterly shore of Vancouver Island in a southerly direction to Grave Point, thence following a straight line through Erskine Point on Salt Spring Island to the head of Ganges Harbour, thence to the westerly side of the entrance of Active Pass, thence in a straight line to the most westerly point of the International Boundary on the forty-ninth parallel of north latitude, thence in a straight line to the most northerly point on Valdes Island, thence in a straight line in an easterly direction to the southerly point of Gabriola Reefs, thence in a straight line through Thresher Rock Light to Reception Point on Sechelt Peninsula, thence to the point of commencement at Point Young on Lasqueti Island, but not including Lady-smith Harbour (Oyster Bay) inside of a straight line drawn from Sharpe Point to Boulder Point; nor that portion of Stuart Channel between a straight line from Erskine Point to Grave Point and a straight line from Bare Point Light to North Reef Beacon and then to Parminter Point on Saltspring Island.

AREA No. 18

The waters of that portion of the east coast of Vancouver Island including the islands opposite, between the southeasterly boundary of Area No. 17 hereinbefore described extended by a straight line drawn from Active Pass to the most westerly point of the International Boundary Line lying on the 49th parallel of north latitude in the Gulf of Georgia and a straight line drawn from the northerly entrance of Shoal Harbour on Vancouver Island to the most northerly point of Domville Island, thence due east magnetic to its junction with the International Boundary Line; but not including

Food and Drugs Act—continued

Fulford Harbour, Saanich Inlet, Cowichan Bay, and that portion of Satellite Channel including Sansum Narrows between a straight line drawn from Cape Keppel on Saltspring Island to James Point on Vancouver Island and a straight line drawn from Grave Point on Vancouver Island to Erskine Point on Saltspring Island.

AREA No. 19

The waters lying between the coast of Vancouver Island and the International Boundary Line from the southern boundary of Area No. 18, hereinbefore described, to a straight line drawn due south from Beechey Head on Vancouver Island; but not including Victoria Harbour, inside of a straight line drawn from Macaulay Point to Clover Point and embracing all the waters of the harbour to Victoria Arm and including The Inlet.

AREA No. 20

The waters lying between the coast of Vancouver Island and the International Boundary Line from the western boundary of Area no. 19, hereinbefore described, to a straight line extending as far as the International Boundary drawn in a southerly direction between Bonilla Point on Vancouver Island to Tatoosh Lighthouse.

AREA No. 21

The waters of that portion of the west coast of Vancouver Island between the western boundary of Area No. 20, hereinbefore described, and Pachena Point, but not including Nitinat Arm.

AREA No. 22

The waters of Nitinat Arm after September thirtieth in each year.

AREA No. 23

The waters of that portion of the west coast of Vancouver Island from Pachena Point to the southwesterly entrance of Wreck Bay; but not including Uclulet Arm, Uhcucklesit Harbour, and that portion of Alberni Canal above, that is east of a straight line drawn from Assists Island to Chup point and thence to Ecoole.

AREA No. 24

The waters of that portion of the west coast of Vancouver Island from the southwesterly entrance of Wreck Bay to Estevan Point including Clayoquot Sound.

AREA No. 25

The waters of that portion of the west coast of Vancouver Island from Estevan Point to Tatchu Point including Nootka Sound and Esperanza Inlet.

AREA No. 26

The waters of that portion of the west coast of Vancouver Island from Tatchu Point to Cape Cook including Kyuquot Sound.

AREA No. 27

The waters of that portion of the west coast of Vancouver Island from Cape Cook to Cape Scott, but not including that portion of Quatsino Sound and the inlets and bays tributary thereof, lying easterly from a straight line drawn from Hankin Point to Phillips Point, thence to James Point at the mouth of Marble Creek.

Fisheries Act—concluded**Schedule B***Abalone*

The fee for an abalone licence is one dollar.

Grayfish

The fee for a licence to authorize net or hook and line fishing for grayfish is one dollar.

Herring

The fee for a herring drift-net or gill-net licence is one dollar.

The fee for a herring trawl-net licence is five dollars.

The fee for a herring purse-seine licence is five dollars.

Pilchard

The fee for a pilchard drift-net or gill-net licence is one dollar.

The fee for a pilchard drag-seine licence is five dollars.

The fee for a pilchard purse-seine licence is five dollars.

Other Fish

The annual fee for a licence for gill-nets or drift-nets for catching all kinds of fish other than those named in these regulations is one dollar.

Smelts and Sardines

The fee for a smelt or sardine gill-net or drift-net licence is one dollar.

The fee for a smelt or sardine drag-seine licence is one dollar.

The fee for a smelt or sardine purse-seine licence is one dollar.

Salmon

The fee for a salmon drift-net or gill-net licence or for a salmon gill-net boat puller, engineer or assistant licence is one dollar.

The fee for a salmon drag-seine licence is twenty dollars.

The fee for a salmon purse-seine licence is twenty dollars.

The fee for a salmon trap-net licence is five hundred dollars.

The fee for a salmon trolling licence is one dollar.

Sturgeon

The fee for a sturgeon gill-net or drift-net licence is one dollar.

Shrimp

The fee for a shrimp licence is one dollar.

FISHERIES PRICES SUPPORT ACT. (R.S.C., 1952, c. 120)

Orders have been made from time to time establishing price support programmes for specific products. No regulations have been made under this statute.

FOOD AND DRUGS ACT. (1953, c. 38)

	Page
1. <i>Schedule B of the Act</i>	1673
2. <i>Schedule F of the Act</i>	1673
3. <i>The Food and Drug Regulations</i>	1675

1. Schedule B to the Act

P.C. 1954-1729

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Schedule B to the Food and Drugs Act, as established by Chapter 38 of the Statutes of Canada, 1952-53, has subsequently been amended by Order in Council P.C. 1954-943 of 24th June 1954, pursuant to the provisions of section 24 of the Food and Drugs Act;

AND WHEREAS it is desirable that the said Schedule be consolidated in accordance with the Appendix hereto.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and pursuant to section 24 of the Food and Drugs Act, is pleased to consolidate and doth hereby consolidate Schedule B of the said Act in accordance with the Appendix hereto.

Appendix

SCHEDULE B

Pharmacopœa Internationalis	(Ph.I.)
The British Pharmacopœia	(B. P.)
The Pharmacopœia of the United States of America	(U.S.P.)
Codex Français	(Codex)
The Canadian Formulary	(C. F.)
The British Pharmaceutical Codex	(B.P.C.)
The National Formulary	(N. F.)

2. Schedule F to the Act

P.C. 1954-1731

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Schedule F to the Food and Drugs Act, as established by Chapter 38 of the Statutes of Canada, 1952-53, has from time to time been amended pursuant to the provisions of section 24 of the Food and Drugs Act;

Food and Drugs Act—continued

AND WHEREAS it is desirable that the said Schedule be further amended and consolidated in accordance with the Appendix hereto.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and by virtue of the powers conferred by section 24 of the Food and Drugs Act, is pleased to consolidate and doth hereby consolidate Schedule F to the Food and Drugs Act in accordance with the Appendix hereto.

Appendix

SCHEDULE F

PART I

Amphetamine and any salt thereof
 Barbituric acid and any salt, homologue, or derivative thereof
 Bromal and the following derivatives:
 bromal hydrate, brometone, bromoform
 Carbromal and the following derivatives:
 acetylcarbromal, bromisoval
 diethylbromacetamide, allylisopropylacetylurea
 Chloral and the following derivatives:
 alpha-chloralose, chloralformamide, chloral hydrate,
 butyl chloral hydrate, chloralimide
 Disulfiram
 Methamphetamine and any salt thereof
 Paraldehyde and Metaldehyde
 Pipradrol and any salt thereof
 Sulphonal and alkyl sulphonals

PART II

Adrenocorticotrophic Hormone,
 Corticotrophin
 Aminopyrine and any salt, homologue or derivative thereof
 Antibiotics, the following:
 Carbomycin and any compound thereof
 Chloramphenicol
 Chlortetracycline and any salt or derivative thereof
 Dihydrostreptomycin and any compound thereof
 Erythromycin and any compound thereof
 Oxytetracycline and any compound thereof
 Penicillin, its salts or derivatives
 or preparations thereof excluding lozenges that contain not more
 than 3,000 International Units per dose
 Polymyxin B Sulphate except for topical use or for local action in the
 oral cavity or nasal passages
 Streptomycin and any compound thereof
 Viomycin and any compound thereof
 Anticoagulants, the following:
 Bishydroxycoumarin, its salts and derivatives
 Derivatives of 4-hydroxycoumarin when sold or recommended as
 anticoagulants
 Phenylindanedione
 Cinchophen and Neocinchophen

Food and Drugs Act—continued

Cortisone and its salts
 2, 4-dinitrophenol and any compound, homologue or derivative thereof
 Ergot alkaloids
 Hydantoin derivatives
 Hydrocortisone and its salts
 Iproniazid
 Isoniazid
 Phenylbutazone
 Selenium and any compound thereof
 Sex hormones (except skin creams containing sex hormones, which are demonstrated to be free from systemic effects)
 Sulphonamides and any salt, homologue, or derivative thereof
 Thiocyanates
 Thiouracil and any homologue, or derivative thereof
 Thyroid
 Thyroxin and any salt thereof
 Trimethadione and Paramethadione
 Urethane

3. Food and Drug Regulations

P.C. 1954-1915

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and pursuant to the Food and Drugs Act, is pleased to order as follows:

1. The Food and Drug Regulations, established by Order in Council P.C. 1954-942 of 24th June, 1954, as amended, are hereby revoked; and
2. The annexed "Food and Drug Regulations" are hereby made and established in substitution for the regulations hereby revoked.

THE FOOD AND DRUG REGULATIONS

Part A

ADMINISTRATION

General

- A.01.001.** These regulations may be cited as the Food and Drug Regulations.
- A.01.002.** These regulations, where applicable, prescribe the standards of composition, strength, potency, purity, quality or other property of the article of food, drug, cosmetic or device to which they refer.

Interpretation

A.01.010. In these regulations

- (a) "acceptable method" means a method of analysis or examination indicated by the Director as acceptable for use in the administration of the Act,

Food and Drugs Act—*continued*

- (b) “Act” means the Food and Drugs Act,
- (c) “cubic centimetre” and its abbreviation “cc.” shall be deemed to be interchangeable with the term “millilitre” and its abbreviation “ml.”,
- (d) “Director” means the Director of the Food and Drug Division of the Department,
- (e) “inner label” means the label on or affixed to an immediate container of a food, drug, cosmetic, or device,
- (f) “Lot number” means any combination of letters, figures, or both, by which any food or drug can be traced in manufacture or distribution,
- (g) “manufacturer”, except in DIVISION 3 and DIVISION 4 of **Part C**, means a person who under his own name, or under a trade, design or word mark, trade name or other name, word or mark controlled by him sells a food, drug, cosmetic or device, and includes a firm, partnership, or corporation,
- (h) “official method” means the method of analysis or examination designated by the Director for use in the administration of the Act,
- (i) “outer label” means the label on or affixed to the outside of a package of a food, drug, cosmetic or device.

A.01.011. The Director shall, upon request, furnish copies of official methods.

A.01.012. The Director shall, upon request, indicate that a method is acceptable or otherwise upon its submission to him for a ruling.

Analysts; Inspectors

A.01.020. All designations as Dominion analysts prior to the coming into force of these regulations are hereby revoked and the members of the technical staff of the Department named in Appendix I are hereby designated as analysts.

A.01.021. All designations as inspectors prior to the coming into force of these regulations are hereby revoked and the members of the staff of the Department named in Appendix II are hereby designated as inspectors.

A.01.022. Inspectors shall perform the functions and duties, and carry out the responsibilities, prescribed by the Act, the regulations, and the Minister.

A.01.023. The authority of an inspector extends to and includes the whole of Canada.

A.01.024. A certificate that a person has been designated as an inspector shall be in the form set out therefor in Appendix III, shall be signed by the Deputy Minister of National Health or the Director and the person designated, and shall bear the seal of the Department.

A.01.025. Where authorized by regulation pursuant to the Canadian Broadcasting Act inspectors shall act as representatives of the Canadian Broadcasting Corporation for the purpose of enforcing the regulations thereof in respect to the advertising of a food, drug, cosmetic or device.

Food and Drugs Act—continued

A.01.026. An inspector may take photographs of premises and articles to which the Act or regulations apply as defined in section 21 of the Act as may be relevant to the administration of the Act or the regulations in so far as they apply to unsanitary conditions.

Importations

A.01.040. An inspector may examine, take specimens of and detain pending further examination any food, drug, cosmetic or device sought to be imported into Canada.

A.01.041. Where a specimen of a food, drug, cosmetic or device is taken as provided in A.01.040, the inspector shall forthwith submit the specimen to an analyst for examination or analysis.

A.01.042. Subject to A.01.043, where, as a result of an examination or analysis of a specimen of a food, drug, cosmetic or device, an analyst reports that the food, drug, cosmetic or device, would, if sold in Canada, constitute a violation of the Act or these regulations, the food, drug, cosmetic or device shall not be admitted into Canada for use as a food, drug, cosmetic or device, and the inspector shall send a report of analysis or examination to any Collector of Customs concerned and a copy to the importer.

A.01.043. Where a food, drug, cosmetic or device sought to be admitted into Canada, would, if sold in Canada, constitute a violation of the Act or these regulations, the food, drug, cosmetic or device may be admitted into Canada for the purpose of relabelling or reconditioning under the supervision of an inspector in compliance with such written conditions as may be specified in the report of an analyst, and where such relabelling or reconditioning is not satisfactorily carried out within three months after the report is made or such lesser period as may be specified in the report, such food, drug, cosmetic or device shall be exported and if not exported within a further period of three months shall be forfeited to the Crown and disposed of as the Minister may direct; but the Minister may extend the time for complying with conditions or for exporting the said goods.

Sampling

A.01.050. When taking a sample pursuant to section 21 of the Act, an inspector shall, after procuring a suitable quantity of the article in question, notify the owner thereof or the person from whom the sample was obtained of his intention to submit a sample thereof to an analyst for analysis or examination, and

- (a) where, in the opinion of the inspector, division of the procured quantity would not interfere with analysis or examination
 - (i) divide the quantity into three parts,
 - (ii) identify the three parts as the owner's portion, the sample, and the duplicate sample and where only one part bears the label, that part shall be identified as the sample,
 - (iii) seal each part in such a manner that it cannot be opened without breaking the seal, and
 - (iv) deliver the part identified as the owner's portion to the owner or the person from whom the sample was obtained and forward the sample and the duplicate sample to an analyst for analysis or examination, or

Food and Drugs Act—continued

- (b) where, in the opinion of the inspector, division of the procured quantity would interfere with analysis or examination
 - (i) identify the entire quantity as the sample,
 - (ii) seal the sample in such a manner that it cannot be opened without breaking the seal, and
 - (iii) forward the sample to an analyst for analysis or examination.

A.01.051. Where the owner or the person from whom the sample was obtained objects to the procedure followed by an inspector under A.01.050 at the time the sample was obtained, the inspector shall follow both procedures set out in that section if the owner or the person from whom the sample was obtained supplies him with a sufficient quantity of the article.

Tariff of Fees

A.01.060. The cost of analysing a sample other than for the purpose of the Act, for a department of the Government of Canada for the purpose of legal action is fifteen dollars.

Part B

FOODS

DIVISION 1

General

B.01.001. In this **Part**

- (a) “common name” means, with reference to a food, the name of the food printed in bold-face type in these regulations or, if the name of the food is not so printed, the name in English or French by which the food is generally known,
- (b) “flavouring preparation” includes any food for which a standard is provided in DIVISION 10,
- (c) “food colour” means those colours permitted for use in or upon food by DIVISION 6,
- (d) “gelling agent” includes any food for which a standard is provided in DIVISION 12,
- (e) “per cent” means per cent by weight unless otherwise stated, and
- (f) “sweetening agent” includes any food for which a standard is provided in DIVISION 18.

B.01.002. Except as provided in B.01.007, no person shall sell a food that is not labelled as required by these regulations.

B.01.003. Except as provided in these regulations, the label of a package of food shall carry

- (a) on the main panel of the label
 - (i) the common name of the food,
 - (ii) a declaration by name of any Class II, Class III, or Class IV preservative therein,
 - (iii) a declaration of any food colour added thereto, and
 - (iv) a declaration of any artificial or imitation flavouring preparation added thereto,
- (b) on the label
 - (i) the name and address of the manufacturer of the food,
 - (ii) in the case of a food consisting of more than one ingredient and for which no standard is prescribed in these regulations

Food and Drugs Act—continued

for the food, a complete list of the ingredients by their common names in descending order of their proportions unless the quantity of each ingredient is stated in terms of percentage or proportionate composition,

- (iii) except in the case of a food, the weight of which including the package in which it is contained is under two ounces, a correct statement of the net content in terms of weight, measure, or number in compliance with good commercial practice.

B.01.004. Any statement or information required by these regulations to be carried on a label shall be legibly and conspicuously displayed thereon.

B.01.005. Where inner and outer labels are employed on a package of food, all label declarations required by these regulations shall appear on both the inner and the outer labels except that the statement of contents need not appear on the inner label.

B.01.006. No reference, direct or indirect, to the Act or to these regulations shall be made upon any label of, or in any advertisement for, a food.

B.01.007. The provisions of B.01.003 do not apply to a food packaged from bulk on the premises where the food is retailed; but where a package of food bears a statement, mark, or device regarding the ingredients or the substances contained therein, in addition to

- (a) the name of the food,
- (b) the name and address of the retailer, and
- (c) the net contents,

it shall be labelled as required by the Act and these regulations.

B.01.008. Notwithstanding B.01.003 (a) (iii), food colour may be used without label declaration, in or upon

bakery products, except brown bread,
butter,
candy,
cheese and process cheese,
gelatine desserts,
ice cream,
icing sugar,
liqueurs and alcoholic cordials,
sherbet,
smoked fish, and
soft drinks.

B.01.009. Notwithstanding B.01.003 (a) (iii), caramel may be used without label declaration, to colour

non-excisable fermented beverages,
sauces,
spirituous liquors except gin,
vinegar, except spirit vinegar or blends containing spirit vinegar,
and
wine.

Food and Drugs Act—continued

B.01.010. Notwithstanding B.01.003 (b) (ii), a list of ingredients is not required for

bakery products,
confectionery,
flavouring preparations,
gelatine desserts,
non-nutritive seasoning sauces,
pastry spice,
pickling spice,
poultry seasoning,
preparations of coal tar colours,
soft drinks, and
soups,

unless an ingredient is mentioned on the label of, or in an advertisement for any food or class of food referred to in this section that is not

- (a) included in the common name of the food,
- (b) used to distinguish the food, or
- (c) required by these regulations to be declared.

B.01.011. Where by any statute of the Parliament of Canada or any regulation made thereunder a standard or grade is prescribed for a food and that standard is given a name or designation by such statute or regulation, no person shall on a label of or in any advertisement for that food use that name or designation unless the food conforms with the standard or grade.

B.01.012. Where a statement or claim implying a special dietary use is made on the label of, or in any advertisement for a food, the label shall carry a statement of the type of diet for which the food is recommended.

B.01.013. Where a statement or claim implying a low sodium content is made on the label of, or in any advertisement for a food, the label shall carry a declaration of the sodium content in milligrams per 100 grams.

B.01.014. Where a statement or claim relating to the caloric content is made on the label of, or in any advertisement for a food, the label shall carry a statement of the caloric content in calories per 100 grams.

B.01.015. A food containing saccharin, or sodium or calcium salts of cyclohexyl sulphamic acid shall carry on the main panel of the label a declaration by name of the presence thereof and on the label, the statement "Contains (naming the synthetic sweetener) and should be used only on the advice of a physician".

B.01.016. Where a standard for a food is provided in these regulations only those ingredients named in the standard shall be used in the food.

Food and Drugs Act—continued

B.01.017. A food is adulterated if any of the following substances or classes of substances is present therein or has been added thereto:

- (a) mineral oil, paraffin wax, or any preparation of these,
- (b) coumarin, or an extract of tonka beans, the seed of *Dipteryx odorata* Willd. or *Dipteryx oppositifolia* Willd., or
- (c) synthetic sweetening agents other than saccharin, or sodium or calcium salts of cyclohexyl sulphamic acid.

B.01.018. Notwithstanding B.01.017,

- (a) a food is not adulterated by reason only that it contains mineral oil not exceeding 0·3 per cent if good manufacturing practice requires its use, and
- (b) chewing gum is not adulterated by reason only that it contains a paraffin wax base.

B.01.019. Subject to B.01.020, where the contents of a package of food are expressed in terms of weight, measure, or number, no variations from the quantity declared on the label are permitted other than the following

- (a) variations due exclusively to weighing, measuring, or counting that occur in packaging conducted in accordance with good commercial practice, but not to be such that the average content is less than the quantity declared on the label as determined by the official method,
- (b) variations due exclusively to differences in the capacity of containers resulting solely from unavoidable difficulties in manufacturing, but no greater variation is permitted because of the design of the containers than is permitted in the case of containers of similar capacity that can be manufactured so as to be of approximately uniform capacity, and
- (c) variations in weight or measure that unavoidably result from the ordinary and customary exposure of the package to evaporation or to the absorption of water under normal atmospheric conditions.

B.01.020. Notwithstanding B.01.019, where the contents of a package of food are expressed in terms of minimum weight, measure, or number, the contents of the package shall not be less than the minimum expressed.

DIVISION 2

Alcoholic Beverages

B.02.001. The foods referred to in this DIVISION are included in the term *alcoholic beverage*.

B.02.002. In this DIVISION

- (a) “alcohol” means ethyl alcohol,
- (b) “absolute alcohol” means alcohol of a strength of 100 per cent,
- (c) “malt-wine” means an alcoholic distillate obtained by pot-still distillation from a mash of cereal grain or cereal grain products saccharified by the diastase of malt and fermented by the action of yeast.

Food and Drugs Act—continued

- (d) “grain spirit” means an alcoholic distillate, obtained from a mash of cereal grain or cereal grain products saccharified by the diastase of malt or by other natural enzyme and fermented by the action of yeast, and from which all or nearly all of the naturally occurring substances other than alcohol and water have been removed,
- (e) “molasses spirit” means an alcoholic distillate, obtained from sugar-cane by-products fermented by the action of yeast, from which all or nearly all of the naturally occurring substances other than alcohol and water have been removed,
- (f) “age” means the period during which an alcoholic beverage is kept under such conditions of storage as may be necessary to render it potable or to develop its characteristic flavour or bouquet,
- (g) “flavouring” means other domestic or imported spirits or wine as permitted by regulations made under the authority of the Excise Act,
- (h) “peat-dried malt” means barley malt that has been kilned over fires of peat with or without admixture of other fuels,
- (i) “small wood” means wood casks or barrels of not greater than 150 gallon capacity.

B.02.003. No person shall sell a distilled alcoholic beverage that contains less than 39.94 per cent by volume of absolute alcohol unless the main panel of the label carries a declaration of the actual percentage by volume of absolute alcohol contained in such distilled alcoholic beverage.

Whisky

B.02.010. Whisky shall be a potable alcoholic distillate, obtained from a mash of cereal grain or cereal grain products saccharified by the diastase of malt or other natural enzyme and fermented by the action of yeast, with or without the addition of flavouring, or caramel.

B.02.011. No person shall sell whisky for consumption in Canada that has not been aged and held for a period of not less than two years in small wood.

B.02.012. No person shall make any claim for the age of whisky other than for the period during which the whisky has been stored in small wood, but in the case of whisky that has been aged in small wood for not less than two years, any period not exceeding six months during which the whisky is held in other containers may be claimed as age.

B.02.013. Malt whisky derived from peat-dried malt shall be whisky, obtained by the pot-still distillation of a mash of peat-dried malt fermented by the action of yeast, or a mixture of such whiskies, and shall possess the aroma, taste, and character generally attributed to malt whisky from peat-dried malt.

B.02.014. Malt whisky derived from other than peat-dried malt shall be whisky, obtained by the pot-still distillation of a mash consisting substantially of barley malt fermented by the action of yeast, or a mixture of such whiskies.

B.02.015. Grain whisky shall be whisky that has been distilled in such a manner as to retain some of the volatile congeneric substances produced during fermentation.

Food and Drugs Act—continued

B.02.016. Scotch Whisky shall be whisky distilled in Scotland as Scotch whisky for domestic consumption in accordance with the laws of the United Kingdom.

B.02.017. No person shall blend or modify in any manner any Scotch whisky that is imported in bulk for the purpose of bottling and sale in Canada as Scotch whisky except by

- (a) blending with other Scotch whisky,
- (b) the addition of distilled or otherwise purified water to adjust to a required strength, or
- (c) the addition of caramel.

B.02.018. Irish Whisky shall be whisky distilled in Northern Ireland or in the Republic of Ireland as Irish whisky for domestic consumption in accordance with the laws of Northern Ireland or the Republic of Ireland.

B.02.019. No person shall blend or modify in any manner any Irish whisky that is imported in bulk for the purpose of bottling and sale in Canada as Irish whisky except by

- (a) blending with other Irish whisky,
- (b) the addition of distilled or otherwise purified water to adjust to a required strength, or
- (c) the addition of caramel.

B.02.020. Canadian Whisky (Canadian Rye Whisky, Rye Whisky) shall be whisky distilled in Canada, and shall possess the aroma, taste, and character generally attributed to Canadian whisky.

B.02.021. Highland Whisky shall be whisky manufactured and blended in Canada and shall consist of a blend of

- (a) malt whisky from peat-dried malt that has been distilled in Canada or in Scotland, and
- (b) grain whisky

and shall contain not less than 25 per cent of such malt whisky at proof and if 51 per cent or more of the malt whisky so used is distilled in Scotland, the label of or advertisement for the Highland whisky may include a statement to the effect that it contains malt whisky distilled in Scotland.

Rum

B.02.030. Rum shall be a potable alcoholic distillate obtained from sugar-cane products fermented by the action of yeast or a mixture of yeast and other organisms, or a mixture of such distillates, with or without caramel, and may be flavoured with fruit or other botanical substances or flavouring.

B.02.031. No person shall sell for consumption in Canada rum that has not been aged and held for a period of not less than two years in small wood.

Food and Drugs Act—continued

B.02.032. No person shall make any claim for the age of rum other than for the period during which the rum has been stored in small wood, but in the case of rum that has been aged in small wood for not less than two years, any period not exceeding six months during which the rum is held in other containers may be claimed as age.

B.02.033. No person shall blend or modify in any manner any rum that is imported in bulk for the purpose of bottling and sale in Canada as imported rum except by

- (a) blending with other imported rum,
- (b) the addition of distilled or otherwise purified water to adjust to a required strength, or
- (c) the addition of caramel.

Gin

B.02.040. Hollands (Hollands Gin, Geneva, Geneva Gin, Genever, Genever Gin, Dutch-type Gin) shall be the potable alcoholic beverage obtained by

- (a) the redistillation of malt-wine with or over juniper berries with or without other aromatic botanical substances, or a combination of such redistillations, and that may be labelled or advertised as being *distilled*,
- (b) the redistillation of a combination of malt-wine and not more than four times its volume at proof of grain spirit with or over juniper berries with or without other aromatic botanical substances, or a combination of such redistillations, and that may be labelled or advertised as being *distilled*, or
- (c) the blending of malt-wine, distilled with or over juniper berries with or without other aromatic botanical substances, and not more than four times its volume at proof of grain or molasses spirit, or a combination of such blendings, and that shall be labelled and advertised as *blended gin*.

B.02.041. Gin, other than Hollands (Hollands Gin, Geneva, Geneva Gin, Genever, Genever Gin, Dutch-type Gin) shall be the product obtained by the redistillation of suitably rectified grain spirit with or over juniper berries with or without other aromatic botanical substances, and may contain sugar.

B.02.042. Dry Gin shall be gin to which no sugar has been added.

B.02.043. No person shall make any claim for age for gin but gin that has been held in suitable containers may bear a label declaration to that effect.

Brandy

B.02.050. Brandy shall be the potable alcoholic distillate obtained by the distillation of wine in the manufacture of which no additional sugar has been used, or a mixture of such distillates.

B.02.051. No person shall sell brandy for consumption in Canada that has not been aged and held for a period of not less than two years in small wood.

Food and Drugs Act—continued

B.02.052. No person shall make any claim for the age of brandy other than for the period during which it has been held in small wood.

B.02.053. Brandy shall be manufactured in accordance with the laws of the country of origin for domestic consumption and the label shall clearly indicate such country of origin.

B.02.054. Cognac Brandy (Cognac) shall be brandy manufactured in the Cognac district of France in accordance with the laws of the French Republic for consumption in that country.

B.02.055. Armagnac Brandy (Armagnac) shall be brandy manufactured in the Armagnac district of France in accordance with the laws of the French Republic for consumption in that country.

B.02.056. Fruit Brandy, (naming the fruit), Brandy shall be a potable alcoholic distillate obtained by the distillation of

- (a) fruit wine or a mixture of fruit wines,
- (b) a mixture of wine and fruit wine, or
- (c) a fermented mash of sound ripe fruit or mixture of fruits, or a mixture of such distillates.

B.02.057. No person shall blend or modify in any manner any brandy that is imported in bulk for the purpose of bottling and sale in Canada as imported brandy except by

- (a) blending with other imported brandy,
- (b) the addition of distilled or otherwise purified water to adjust to a required strength, or
- (c) the addition of caramel.

Liqueurs and Alcoholic Cordials

B.02.060. Liqueurs and alcoholic cordials shall be products obtained by the mixing or distillation of grain spirit, brandy, or other distilled spirits with or over fruits, flowers, leaves or other botanical substances or their juices, or with extracts derived by infusion, percolation, or maceration of such botanical substances with or without natural or artificial flavouring preparation and colour, to which sucrose or dextrose or both have been added in an amount not less than 2·5 per cent of the finished product.

Wine

B.02.100. Wine shall be the product of the alcoholic fermentation of the juice of the grape to which during the course of manufacture may be added any of the following

- (a) yeast,
- (b) concentrated grape juice,
- (c) sugar, dextrose, or invert sugar, or aqueous solutions of any of these,
- (d) yeast foods,
- (e) calcium sulphate in such quantity that the content of soluble sulphates in the finished wine shall not exceed 0·2 per cent weight by volume calculated as potassium sulphate,

Food and Drugs Act—continued

- (f) calcium carbonate in such quantity that the content of tartaric acid in the finished wine shall not be less than 0·15 per cent weight by volume,
- (g) sulphurous acid including salts thereof in such quantity that its content in the finished wine shall not exceed
 - (i) 70 parts per million in the free state or
 - (ii) 350 parts per million in the combined state calculated as sulphur dioxide,
- (h) tartaric or citric acid,
- (i) pectic enzymes,
- (j) fining agent namely, isinglass, gelatin, white of egg, casein, albumen, clay, tannin, or edible dried blood that is the subject of a certificate under the Meat and Canned Foods Act,
- (k) caramel,
- (l) brandy, or wine spirit, or
- (m) carbon dioxide.

B.02.101. No person shall sell wine that contains more than 0·13 per cent weight by volume of volatile acid calculated as acetic acid as determined by the official method.

B.02.102. Wine spirit shall be the alcoholic distillate obtained from wine or from grape pomace.

B.02.103. Fruit Wine, (naming the fruit) Wine shall be the product of the alcoholic fermentation of the juice of sound ripe fruit other than grape.

B.02.104. Vermouth shall be wine to which has been added bitters, aromatics or other botanical substances, or flavouring preparations, and may contain

- (a) caramel,
- (b) sugar, dextrose, or invert sugar, or
- (c) brandy, or wine spirit

and shall contain not more than 20 per cent absolute alcohol by volume.

B.02.105. Wine Cocktail shall be wine to which has been added flavouring preparation, and may contain

- (a) caramel,
- (b) sugar, dextrose, or invert sugar, or
- (c) brandy, or wine spirit

and shall contain not more than 20 per cent absolute alcohol by volume.

Cider

B.02.120. Cider shall be the product of the alcoholic fermentation of apple juice or of apple juice to which has been added not more than 10 per cent weight by volume of sugar, dextrose, or invert sugar, and shall contain not more than 7 per cent absolute alcohol by volume, and 100 millilitres of cider measured at a temperature of 20°C. shall

Food and Drugs Act—continued

- (a) contain not less than 2 grams and not more than 12 grams of total solids,
- (b) contain not more than 8 grams of sugar calculated as reducing sugars, and
- (c) yield not less than 0·2 gram and not more than 0·4 gram of cider ash.

B.02.121. Sparkling Cider shall be cider that is impregnated either naturally or artificially with carbon dioxide under pressure.

B.02.122. Champagne Cider shall be cider that is impregnated with carbon dioxide under pressure by

- (a) conducting the afterpart of the fermentation in closed vessels or
- (b) secondary fermentation in closed vessels with or without the addition of sugar, dextrose, or invert sugar,

and notwithstanding B.02.120 shall contain not less than 7 per cent and not more than 13 per cent absolute alcohol by volume.

B.02.123. No person shall sell cider or champagne cider that has more than 0·2 per cent weight by volume of volatile acidity calculated as acetic acid as determined by the official method.

Malt Liquors

B.02.130. Malt liquor shall be the alcoholic beverage made by the alcoholic fermentation of an infusion, in potable water, of barley malt and hops that may also contain other malted cereal grain and starchy or saccharine matter, and may be subsequently pasteurized.

B.02.131. Ale shall be malt liquor brewed in such a manner as to possess the aroma, taste, and character commonly attributed to ale, and shall contain not less than 3·2 per cent absolute alcohol, and 100 millilitres of ale measured at a temperature of 20°C. shall contain not less than 3·5 grams of extractive matter and shall yield not less than 0·12 gram of ash.

B.02.132. Beer shall be malt liquor brewed in such a manner as to possess the aroma, taste, and character commonly attributed to beer, and shall contain not less than 3·2 per cent absolute alcohol, and 100 millilitres of beer measured at a temperature of 20°C. shall contain not less than 3·5 grams of extractive matter and shall yield not less than 0·12 gram of ash.

B.02.133. Light Beer shall be beer that contains not less than 0·96 and not more than 2·0 per cent absolute alcohol, and notwithstanding B.02.132, 100 millilitres of light beer measured at a temperature of 20°C. may yield less than 0·12 gram of ash.

B.02.134. Stout shall be malt liquor brewed in such a manner as to possess the aroma, taste, and character commonly attributed to stout and to a marked degree the flavour of hops, and shall contain not less than 3·2 per cent absolute alcohol, and 100 millilitres of stout measured at a temperature of 20°C. shall contain not less than 5·0 grams of extractive matter and shall yield not less than 0·15 gram of ash.

Food and Drugs Act—continued

B.02.135. Porter shall be malt liquor brewed in the manner used in the brewing of stout so as to possess the aroma, taste, and character commonly attributed to porter but having in comparison with stout a less marked flavour of hops, and shall contain not less than 3·2 per cent absolute alcohol, and 100 millilitres of porter measured at a temperature of 20°C. shall contain not less than 4·0 grams of extractive matter and shall yield not less than 0·13 gram of ash.

DIVISION 3

Baking Powder

B.03.001. Baking Powder shall be a combination of sodium bicarbonate, an acid-reacting material mentioned in B.03.002 and starch or other neutral material, and shall yield not less than 10 per cent of its weight of carbon dioxide as determined by the official method.

B.03.002. The acid-reacting material of baking powder shall be

- (a) tartaric acid or its salts, or both,
- (b) acid salts of phosphoric acids, or
- (c) acid compounds of aluminium.

DIVISION 4

Cacao Products

B.04.001. The foods referred to in this DIVISION shall be derived from cacao beans and are included within the term *cacao product*.

B.04.002. Cacao Beans (Cocoa Beans) shall be the seeds of *Theobroma cacao* L., or closely related species.

B.04.003. Cacao Nibs (Cocoa Nibs, Cracked Cocoa) shall be prepared by heating and cracking cleaned, dried or cured cacao beans and removing the shell therefrom.

B.04.004. Chocolate (Plain Chocolate, Bitter Chocolate, Chocolate Liquor) shall be obtained by grinding cacao nibs, and shall contain not less than 50 per cent cacao butter, and on the dry and fat-free basis may contain not more than

- (a) 7 per cent crude fibre,
- (b) 8 per cent total ash, and
- (c) 0·4 per cent ash insoluble in hydrochloric acid.

B.04.005. Cacao products may be processed with hydroxides, carbonates, or bicarbonates of sodium, potassium, or magnesium.

B.04.006. No person shall sell a cacao product that is processed with hydroxides, carbonates, or bicarbonates of sodium, potassium, or magnesium unless

- (a) the label carries, immediately preceding or following the name of the cacao product, and without intervening written, printed, or graphic matter, the phrase "Processed with Alkali", or the phrase "Alkali Treated"; and
- (b) the total weight of such processing agents used with each one hundred parts by weight of cacao nibs used in the preparation of such cacao product is not greater in neutralizing value, calculated from the respective combining weights of such processing agents, than the neutralizing value of three parts by weight of anhydrous potassium carbonate.

Food and Drugs Act—continued

B.04.007. The ash limits provided for cacao products in this DIVISION may be increased for cacao products processed with alkali as provided in B.04.006 by the amount of ash from the processing agent used.

B.04.008. Sweet Chocolate (Sweet Chocolate Coating) shall be chocolate mixed with sugar or with a combination of not less than 75 per cent sugar and not more than 25 per cent dextrose, with or without the addition of cacao butter, spices, other flavouring material, or of not more than 0·5 per cent, of the finished product, of emulsifier; and may contain on the dry, sugar-free, and fat-free basis no greater proportion of crude fibre, total ash, or ash insoluble in hydrochloric acid respectively than does chocolate on the dry, fat-free basis.

B.04.009. Milk Chocolate (Sweet Milk Chocolate, Milk Chocolate Coating, Sweet Milk Chocolate Coating) shall be the cacao product obtained from chocolate by grinding with sugar or with a combination of not less than 75 per cent sugar and not more than 25 per cent dextrose, with or without the addition of cacao butter, spices, other flavouring material, or of not more than 0·5 per cent, of the finished product, of emulsifier; and shall contain in the finished product not less than 12 per cent milk solids which shall be in the proportions that are normal to whole milk.

B.04.010. Cocoa (Powdered Cocoa) shall be chocolate from which part of the cacao butter has been removed, and shall contain on the dry, fat-free basis no greater proportion of crude fibre, total ash, or ash insoluble in hydrochloric acid respectively than does chocolate on the dry, fat-free basis, and where cocoa contains

- (a) 22 per cent or more cacao butter it may be designated **Breakfast Cocoa**, and
- (b) less than 10 per cent cacao butter it shall be designated **Low Fat Cocoa**.

DIVISION 5

Coffee

B.05.001. Green Coffee (Raw Coffee, Unroasted Coffee) shall be the seed of *Coffee arabica* L., *C. liberica* Hiern, or *C. robusta* Chev., freed from all but a small portion of its spermoderm.

B.05.002. Roasted Coffee (Coffee) shall be roasted green coffee, and shall contain not less than 10 per cent fat, and may contain not more than 6 per cent total ash.

B.05.003. No person shall sell decaffeinated coffee unless the percentage of the caffeine content removed is stated on the label, and the finished product contains no ingredient other than those normally present in coffee.

DIVISION 6

Food Colours

B.06.001. In this DIVISION

- (a) “pure dye” means the coal tar dye contained in a coal tar colour exclusive of any impurity or diluent,
- (b) “diluent” means any substance other than pure dye present in a coal tar colour, mixture, or preparation,
- (c) “mixture” means a mixture of two or more coal tar colours or a mixture of one or more coal tar colours with one or more diluents,

Food and Drugs Act—continued

- (d) "preparation" means a preparation of one or more coal tar colours containing less than 15 per cent pure dye and sold for household use in containers of two ounces net or less.

B.06.002. No person shall sell for use in or upon food any colour other than the following:

- (a) natural colours, being cochineal, vegetable colours and vegetable colour extractives,
- (b) caramel,
- (c) specially purified charcoals, carbon blacks, and iron oxide,
- (d) coal tar colours for which a standard is provided in B.06.021 to B.06.038.

B.06.003. No person shall sell a food having in or upon it any added colour other than the following:

- (a) natural colours, being cochineal, vegetable colours and vegetable colour extractives,
- (b) caramel,
- (c) specially purified charcoals, carbon blacks, and iron oxide,
- (d) coal tar colours for which a standard is provided in B.06.021 to B.06.038.

B.06.004. No person shall sell a food, other than a coal tar colour, having in or upon it an added coal tar colour for which a standard is provided in B.06.021 to B.06.038, if the proportion thereof exceeds one part by weight of coal tar colour to each thirty-five hundred parts by weight of food, as prepared for consumption according to label direction.

B.06.005. No person shall sell a colour for use in or upon food that contains more than

- (a) 2 parts per million of arsenic, calculated as arsenic,
- (b) 10 parts per million of lead, calculated as lead, or
- (c) a total of 100 parts per million of heavy metals other than lead calculated as the respective metals

as determined by the official method.

B.06.006. No person shall sell a coal tar colour for use in or upon food unless the label carries

- (a) the common name of the coal tar colour,
- (b) the lot number of the coal tar colour, and
- (c) the words "Food Colour".

B.06.007. No person shall sell a mixture for use in or upon food unless the label carries

- (a) the lot number of the mixture, and
- (b) the words "Food Colour".

B.06.008. No person shall sell a preparation for use in or upon food unless

- (a) the lot number of the coal tar colour contained in the preparation or an identifying code number allotted to the preparation by the manufacturer and filed with the Food and Drug Divisions, Ottawa, is declared on the invoice accompanying the shipment to the retailer, and
- (b) the label carries the words "Food Colour Preparation".

Food and Drugs Act—continued

B.06.009. No person shall import or sell a coal tar colour for use in or upon food unless it has been certified by the Director, or by another agency acceptable to the Director, that each lot meets the requirement of B.06.005 and the standard for such colour as established in B.06.021 to B.06.038, and if certified by an agency a copy of the certificate has been submitted to and approved by the Director.

B.06.010. No person shall import or sell a mixture or a preparation of food colour for use in or upon food unless

- (a) it has been certified by the Director, or by another agency acceptable to the Director, that any coal tar colour contained therein meets the requirement of B.06.005 and the standard for such colour as established in B.06.021 to B.06.038, or
- (b) the coal tar colour has been previously certified by the Director, or by another agency acceptable to the Director,

and if certified by an agency, a copy of the certificate has been submitted to and approved by the Director, and

- (c) the diluent meets the requirements of B.06.005.

Coal Tar Colours

B.06.021. Amaranth shall be the trisodium salt of 1-(4-sulpho-1-naphthylazo)-2-naphthol-3, 6-disulphonic acid, and shall contain not less than 75 per cent pure dye, and may contain not more than

- (a) 0.5 per cent water insoluble matter,
- (b) 0.4 per cent combined ether extracts,
- (c) 1.0 per cent mixed oxides, and
- (d) 4.0 per cent subsidiary dyes, calculated as Fast Red E.

B.06.022. Ponceau 3R shall be the disodium salt of 1-pseudocumylazo-2-naphthol-3, 6-disulphonic acid, and shall contain not less than 83 per cent pure dye, and may contain not more than

- (a) 0.5 per cent water insoluble matter,
- (b) 0.4 per cent combined ether extracts,
- (c) 0.2 per cent pseudo-cumidine,
- (d) 1.0 per cent mixed oxides, and
- (e) 5.0 per cent lower sulphonated dyes,

and the boiling range of the pseudo-cumidine obtained by reduction of the dye shall be between 220° C. and 245° C.

B.06.023. Erythrosine shall be the disodium salt of 9-*o*-carboxyphenyl-6-hydroxy-2,4,5,7-tetraiodo-3-isoxanthone, and shall contain not less than 83 per cent pure dye, and may contain not more than

- (a) 0.4 per cent water insoluble matter,
- (b) 0.2 per cent combined ether extracts, and
- (c) 1.0 per cent mixed oxides,

and the organically combined iodine in the anhydrous pure dye shall be not less than 56.8 per cent and not more than 58.5 per cent.

B.06.024. Ponceau SX shall be the disodium salt of 2-(5-sulpho-2, 4-xylylazo)-1-naphthol-4-sulphonic acid, and shall contain not less than 80 per cent pure dye, and may contain not more than

- (a) 0.5 per cent water insoluble matter,

Food and Drugs Act—continued

- (b) 0·4 per cent combined ether extracts,
- (c) 1·0 per cent mixed oxides, and
- (d) 5·0 per cent subsidiary dyes.

B.06.025. Oil Red XO shall be 1-xylylazo-2-naphthol, and shall contain not less than 97 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water soluble matter,
 - (b) 0·5 per cent carbon tetrachloride insoluble matter,
 - (c) 0·1 per cent xylidine,
 - (d) 0·5 per cent β -naphthol,
 - (e) 0·3 per cent sulphated ash, and
 - (f) 30 per cent *m*-xylidine in the xylidine obtained by reduction of the dye,
- and the boiling range of 95 per cent of the xylidine obtained by reduction of the dye shall be between 212° C. and 232° C.

B.06.026. Orange I shall be the monosodium salt of 4-*p*-sulphophenylazo-1-naphthol, and shall contain not less than 85 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water insoluble matter,
- (b) 0·4 per cent combined ether extracts,
- (c) 0·1 per cent α -naphthol,
- (d) 1·0 per cent mixed oxides, and
- (e) 5·0 per cent Orange II.

B.06.027. Orange SS shall be 1-*o*-tolylazo-2-naphthol, and shall contain not less than 98 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water soluble matter,
- (b) 0·5 per cent carbon tetrachloride insoluble matter,
- (c) 0·05 per cent *o*-toluidine,
- (d) 0·05 per cent β -naphthol, and
- (e) 0·3 per cent sulphated ash,

and its melting point shall not be below 128° C.

B.06.028. Naphthol Yellow S shall be the disodium or dispotassium salt of 2, 4-dinitro-1-naphthol-7-sulphonic acid, and shall contain not less than 85 per cent pure dye, and may contain not more than

- (a) 0·4 per cent water insoluble matter,
- (b) 0·4 per cent combined ether extracts,
- (c) 1·0 per cent mixed oxides, and
- (d) 0·03 per cent Martius Yellow.

B.06.029. Oil Yellow AB shall be 1-phenylazo-2-naphthylamine, and shall contain not less than 99 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water soluble matter,
- (b) 0·5 per cent carbon tetrachloride insoluble matter,
- (c) 0·05 per cent intermediates, and
- (d) 0·03 per cent sulphated ash,

and its melting point shall not be below 99° C.

Food and Drugs Act—continued

B.06.030. Oil Yellow OB shall be 1-*o*-tolylazo-2-naphthylamine, and shall contain not less than 99 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water soluble matter,
 - (b) 0·5 per cent carbon tetrachloride insoluble matter,
 - (c) 0·05 per cent intermediates, and
 - (d) 0·3 per cent sulphated ash,
- and its melting point shall not be below 120° C.

B.06.031. Tartrazine shall be the trisodium salt of 3-carboxy-5-hydroxy-1-*p*-sulphophenyl-4-*p*-sulphophenylazopyrazole, and shall contain not less than 75 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water insoluble matter,
- (b) 0·5 per cent combined ether extracts,
- (c) 0·1 per cent phenylhydrazine-*p*-sulphonic acid,
- (d) 1·0 per cent mixed oxides, and
- (e) 3·0 per cent subsidiary dyes.

B.06.032. Sunset Yellow FCF shall be the disodium salt of 1-*p*-sulphophenylazo-2-naphthol-6-sulphonic acid, and shall contain not less than 75 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water insoluble matter,
- (b) 0·4 per cent combined ether extracts,
- (c) 1·0 per cent mixed oxides, and
- (d) 5·0 per cent subsidiary dyes.

B.06.033. Light Green SF Yellowish shall be the disodium salt of 4-{[4-(N-ethyl-*p*-sulphobenzylamino)-phenyl]-(4-sulphoniumphenyl)-methylene}-[1-(N-ethyl-N-*p*-sulphobenzyl)- $\Delta^{2,5}$ -cyclohexadienimine], and shall contain not less than 79 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water insoluble matter,
- (b) 0·4 per cent combined ether extracts,
- (c) 1·0 per cent mixed oxides, and
- (d) 5·0 per cent subsidiary dyes, calculated as Guinea Green B.

B.06.034. Guinea Green B shall be the monosodium salt of 4-[4-(N-ethyl-*p*-sulphobenzylamino)-diphenylmethylene]-[1-(N-ethyl-N-*p*-sulphoniumbenzyl)- $\Delta^{2,5}$ -cyclohexadienimine], and shall contain not less than 82 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water insoluble matter,
- (b) 0·4 per cent combined ether extracts, and
- (c) 1·0 per cent mixed oxides.

B.06.035. Fast Green FCF shall be the disodium salt of 4-{[4-(N-ethyl-*p*-sulphobenzylamino)-phenyl]-(4-hydroxy-2-sulphoniumphenyl)-methylene}-[1-(N-ethyl-N-*p*-sulphobenzyl)- $\Delta^{2,5}$ -cyclohexadienimine], and shall contain not less than 85 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water insoluble matter,
- (b) 0·4 per cent combined ether extracts,
- (c) 1·0 per cent mixed oxides, and
- (d) 5·0 per cent subsidiary dyes.

Food and Drugs Act—continued

B.06.036. Indigotine shall be the disodium salt of indigotine-5,5'-disulphonic acid, and shall contain not less than 87 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water insoluble matter,
- (b) 0·5 per cent combined ether extracts,
- (c) 1·0 per cent mixed oxides, and
- (d) 5·0 per cent lower sulphonated dyes.

B.06.037. Brilliant Blue FCF shall be the disodium salt of 4- $\left\{ \begin{array}{l} \text{4-(N-ethyl-} \\ \textit{p}\text{-sulphobenzylamino)-phenyl} \end{array} \right\}$ -(2-sulphoniumphenyl)-methylene $\left\{ \begin{array}{l} \text{1-} \\ \text{(N-ethyl-N-} \textit{p}\text{-sulphobenzyl)-}\Delta^{2,5}\text{-cyclohexadienimine} \end{array} \right\}$, and shall contain not less than 82 per cent pure dye, and may contain not more than

- (a) 0·5 per cent water insoluble matter,
- (b) 0·4 per cent combined ether extracts,
- (c) 1·0 per cent mixed oxides, and
- (d) 5·0 per cent subsidiary dyes.

B.06.038. Benzyl Violet 4B shall be the monosodium salt of 4- $\left\{ \begin{array}{l} \text{4-(N-ethyl-} \\ \textit{p}\text{-sulphobenzylamino)-phenyl} \end{array} \right\}$ -[4-(N-ethyl - *p* - sulphonium benzylamino)-phenyl]-methylene $\left\{ \begin{array}{l} \text{(N, N-dimethyl-}\Delta^{2,5}\text{-cyclohexadienimine)} \end{array} \right\}$, and shall contain not less than 85 per cent pure dye, and may contain not more than

- (a) 8·0 per cent volatile matter at 135°C.,
- (b) 0·3 per cent water insoluble matter,
- (c) 0·4 per cent combined ether extracts,
- (d) 0·2 per cent *p*-dimethylaminobenzoic acid,
- (e) 4·0 per cent chloride and sulphate of sodium,
- (f) 1·0 per cent mixed oxides,

and the sum of the volatile matter, chloride and sulphate of sodium, pure dye and leuco base of the dye shall be not less than 95 per cent.

B.06.050. The lake of any water soluble coal tar colour for which a standard is provided in B.06.021 to B.06.038 shall be the calcium or aluminium salt of the respective colour extended upon alumina.

B.06.051. The constants and percentages of components referred to in B.06.021 to B.06.038 shall be determined by the official method.

DIVISION 7

Spices, Dressings and Seasonings

B.07.001. Cloves, whole or ground, shall be the dried flower buds of the clove plant, and may contain not more than

- (a) 5 per cent clove stems,
- (b) 8 per cent total ash,
- (c) 0·5 per cent ash insoluble in hydrochloric acid, and
- (d) 10 per cent crude fibre,

and shall contain not less than 15 per cent volatile ether extract.

Food and Drugs Act—continued

- B.07.002. Ginger**, whole or ground, shall be the washed and dried or decorticated and dried rhizome of the ginger plant, and may contain not more than 10 per cent moisture, and, on the dry basis, shall contain not less than
- (a) 45 per cent ginger starch,
 - (b) 13·3 per cent cold water extractive as determined by the official method, and
 - (c) 2 per cent ash soluble in water,
- and may contain not more than
- (d) 9 per cent crude fibre,
 - (e) 1 per cent calcium, calculated as CaO,
 - (f) 7·5 per cent total ash, and
 - (g) 2 per cent ash insoluble in hydrochloric acid.
- B.07.003. Jamaica Ginger**, whole or ground, shall be ginger grown in Jamaica, and shall conform to the standard provided in B.07.002 except that it shall contain, on the dry basis, not less than 16·6 per cent cold water extractive as determined by the official method.
- B.07.004. Limed Ginger (Bleached Ginger)**, whole or ground, shall be ginger coated with calcium carbonate and shall conform to the standard provided in B.07.002 except that it may contain not more than
- (a) 2 per cent calcium, calculated as CaO, and
 - (b) 11 per cent total ash.
- B.07.005. Mustard (Mustard Flour, Ground Mustard)** shall be the powder made from mustard seed with the hulls largely removed, with or without the removal of a portion of the fixed oil, and may contain not more than
- (a) 1·5 per cent mustard starch, and
 - (b) 6 per cent total ash,
- and shall yield not less than 0·35 per cent volatile mustard oil as determined by the official method.
- B.07.006. Allspice (Pimento)**, whole or ground, shall be the dried, nearly ripe fruit of the pimento tree, and shall contain not less than 8 per cent quercitannic acid, calculated from the total oxygen absorbed by the aqueous extract, and may contain not more than
- (a) 25 per cent crude fibre,
 - (b) 6 per cent total ash, and
 - (c) 0·4 per cent ash insoluble in hydrochloric acid.
- B.07.007. Cinnamon (Cassia)**, whole or ground, shall be the dried bark of cultivated varieties of *Cinnamomum zeylanicum* Nees, or *C. cassia* L., from which the outer layers may or may not have been removed, and may contain not more than
- (a) 5 per cent ash, and
 - (b) 2 per cent ash insoluble in hydrochloric acid.
- B.07.008. Ceylon Cinnamon**, whole or ground, shall be cinnamon obtained exclusively from *Cinnamomum zeylanicum* Nees.

Food and Drugs Act—continued

B.07.009. Mace, whole or ground, shall be the dried arillus of *Myristica fragrans* Houttyn, and may contain not more than

- (a) 7 per cent crude fibre,
- (b) 3 per cent total ash, and
- (c) 0·5 per cent ash insoluble in hydrochloric acid,

and the non-volatile ethyl ether extract, obtained after extraction of mace with petroleum ether, shall not exceed 5 per cent and the sum of the non-volatile extracts with petroleum ether and ethyl ether shall not exceed 33 per cent.

B.07.010. Nutmeg, whole or ground, shall be the dried seed of *Myristica fragrans* Houttyn with or without a thin coating of lime, and shall contain not less than 25 per cent non-volatile ether extract, and may contain not more than

- (a) 5 per cent total ash, and
- (b) 0·5 per cent ash insoluble in hydrochloric acid.

B.07.011. Black Pepper (Peppercorn), whole or ground, shall be the dried, immature berry of *Piper nigrum* L., and shall contain not less than

- (a) 6 per cent non-volatile ether extract, and
- (b) 30 per cent pepper starch,

and may contain not more than

- (c) 6 per cent total ash, and
- (d) 0·9 per cent ash insoluble in hydrochloric acid.

B.07.012. Ground black pepper shall contain all the parts of the berry in their normal proportions.

B.07.013. White Pepper, whole or ground, shall be the dried, mature berry of *Piper nigrum* L., from which the outer coating, or the outer and inner coatings are removed, and shall contain not less than

- (a) 7 per cent non-volatile ether extract, and
- (b) 52 per cent pepper starch,

and may contain not more than

- (c) 5 per cent crude fibre,
- (d) 2·2 per cent total ash, and
- (e) 0·3 per cent ash insoluble in hydrochloric acid.

B.07.014. Cayenne Pepper (Cayenne), whole or ground, shall be the dried, ripe fruit of *Capsicum frutescens* L., *Capsicum baccatum* L., or other small-fruited species of *Capsicum*, and may contain not more than

- (a) 1·5 per cent cayenne starch,
- (b) 28 per cent crude fibre,
- (c) 8 per cent total ash, and
- (d) 1·25 per cent ash insoluble in hydrochloric acid,

and shall contain not less than 15 per cent non-volatile ether extract.

Food and Drugs Act—continued

- B.07.015. Paprika**, whole or ground, shall be the dried, ripe fruit of *Capsicum annuum* L., and may contain not more than
- (a) 18 per cent non-volatile ether extract,
 - (b) 23 per cent crude fibre,
 - (c) 8·5 per cent total ash, and
 - (d) 1 per cent ash insoluble in hydrochloric acid,
- and the iodine number (Hanus) of the extracted oil shall be not less than 125 and not more than 136.
- B.07.016. Turmeric**, whole or ground, shall be the dried rhizome of *Curcuma longa* L.
- B.07.017. Sage**, whole or ground, shall be the dried leaves of the sage plant, and may contain not more than 12 per cent stems (excluding petioles) and other foreign material.
- B.07.018. Thyme**, whole or ground, shall be the dried leaves and flowering tops of the thyme plant, and may contain not more than
- (a) 12 per cent total ash, and
 - (b) 4 per cent ash insoluble in hydrochloric acid.
- B.07.019. Caraway Seed** shall be the dried fruit of the caraway plant, and may contain not more than
- (a) 8 per cent total ash, and
 - (b) 1·5 per cent ash insoluble in hydrochloric acid.
- B.07.020. Cardamom Seed** shall be the dried seed of cardamom, and may contain not more than
- (a) 8 per cent total ash, and
 - (b) 3 per cent ash insoluble in hydrochloric acid.
- B.07.021. Celery Seed** shall be the dried fruit of the celery plant, and may contain not more than
- (a) 10 per cent total ash, and
 - (b) 2 per cent ash insoluble in hydrochloric acid.
- B.07.022. Coriander Seed** shall be the dried fruit of the coriander plant, and may contain not more than
- (a) 7 per cent total ash, and
 - (b) 1·5 per cent ash insoluble in hydrochloric acid.
- B.07.023. Dill Seed** shall be the dried fruit of the dill plant, and may contain not more than
- (a) 10 per cent total ash, and
 - (b) 3 per cent ash insoluble in hydrochloric acid.
- B.07.024. Mustard Seed** shall be the seed of *Sinapis alba* L., *Brassica nigra* (L.) Koch, *B. juncea* (L.) Cosson, or varieties or closely related species of the types of *B. nigra* and *B. juncea*, and may contain not more than
- (a) 5 per cent total ash, and
 - (b) 1·5 per cent ash insoluble in hydrochloric acid.

Food and Drugs Act—continued

- B.07.025. Marjoram**, whole or ground, shall be the dried leaves with or without a small proportion of the flowering tops of the marjoram plant, and may contain not more than
- (a) 10 per cent stems and foreign material,
 - (b) 16 per cent total ash, and
 - (c) 4.5 per cent ash insoluble in hydrochloric acid.
- B.07.026. Curry Powder** shall be any combination of turmeric with spices and seasoning, and may contain not more than 5 per cent salt.
- B.07.027. Onion Salt** shall be a combination of powdered dehydrated onion and salt, and shall contain not more than 75 per cent salt with or without not more than 2 per cent of an anticaking agent.
- B.07.028. Garlic Salt** shall be a combination of powdered dehydrated garlic and salt, and shall contain not more than 75 per cent salt with or without not more than 2 per cent of an anticaking agent.
- B.07.029. Celery Salt** shall be a combination of ground celery seed, or ground dehydrated celery, and salt, and shall contain not more than 75 per cent salt.
- B.07.030. Celery Pepper** shall be a combination of ground celery seed, or ground dehydrated celery, and ground black pepper, and shall contain not more than 70 per cent ground black pepper.
- B.07.031. Mayonnaise (Mayonnaise Dressing, Mayonnaise Salad Dressing)** shall be a combination of
- (a) vegetable oil,
 - (b) liquid, frozen or dried whole egg, or egg yolk,
 - (c) vinegar, or lemon juice,
- with or without
- (d) water,
 - (e) salt,
 - (f) sweetening agent,
 - (g) spice, or other seasoning except turmeric or saffron, or
 - (h) citric, tartaric, or lactic acid,
- and shall contain not less than 65 per cent vegetable oil.
- B.07.032. French Dressing** shall be a combination of
- (a) vegetable oil, and
 - (b) vinegar, or lemon juice,
- with or without
- (c) water,
 - (d) salt,
 - (e) sweetening agent,
 - (f) spice, tomato or other seasoning,
 - (g) emulsifying agent,
 - (h) liquid, frozen or dried whole egg, or egg yolk, or
 - (i) citric, tartaric, or lactic acid,
- and shall contain not less than 35 per cent vegetable oil.

Food and Drugs Act—continued

B.07.033. Salad Dressing shall be a combination of

- (a) vegetable oil,
 - (b) liquid, frozen or dried whole egg, or egg yolk,
 - (c) vinegar, or lemon juice, and
 - (d) cereal,
- with or without
- (e) water,
 - (f) salt,
 - (g) sweetening agent,
 - (h) spice, or other seasoning,
 - (i) emulsifying agent, or
 - (j) citric, tartaric, or lactic acid,

and shall contain not less than 35 per cent vegetable oil.

DIVISION 8

Dairy Products

B.08.001. The foods referred to in this DIVISION are included within the term *dairy product*.

B.08.002. Except as provided in these regulations, a dairy product that contains a fat other than milk fat is adulterated.

Milk

B.08.005. Milk shall be the normal lacteal secretion obtained from the mammary gland of the cow, genus *Bos*, and shall be free from colostrum.

B.08.006. Milk Fat (Butter Fat) shall be the fat of cow's milk, and shall have

- (a) a specific gravity not less than 0.905 at a temperature of 40°C.,
- (b) a tocopherol content not greater than 50 micrograms per gram as determined by the official method,
- (c) a Reichert-Meissl number not less than 24, or
- (d) a Polenske number not exceeding 10 per cent of the Reichert-Meissl number and in no case shall the Polenske number exceed 3.5.

B.08.007. Sterilized Milk shall be milk that has been heated without concentration or appreciable loss of volume to a temperature of at least 100°C. for a length of time sufficient to kill all the organisms present, and shall be delivered to the consumer in hermetically sealed containers, and shall contain not less than

- (a) 11.75 per cent milk solids, and
- (b) 3.25 per cent milk fat.

B.08.008. No person shall sell sterilized milk unless the label carries the statement "This milk is not a concentrated product, but has only the food value of normal milk".

Food and Drugs Act—continued

B.08.009. Sweetened Condensed Milk (Condensed Milk) shall be milk from which water has been evaporated and to which sugar, or dextrose, or both, have been added, with or without added vitamin D, and shall contain not less than

- (a) 28 per cent milk solids, and
- (b) 8 per cent milk fat.

B.08.010. Unsweetened Condensed Milk (Evaporated Milk) shall be milk from which water has been evaporated, with or without

- (a) added vitamin D or
- (b) disodium phosphate, or sodium citrate, or both, added in a total quantity of not more than 0·1 per cent of the finished product, and shall contain not less than
- (c) 25·5 per cent milk solids, and
- (d) 7·8 per cent milk fat.

B.08.011. Evaporated Skim Milk (Concentrated Skim Milk) shall be milk that has been concentrated to at least one-half its original volume by the removal of water, and from which any of the milk fat has been removed, with or without added vitamin D.

B.08.012. Notwithstanding B.08.011, evaporated skim milk from which only part of the milk fat has been removed may be designated **Evaporated Partly Skimmed Milk (Concentrated Partly Skimmed Milk)** if the label carries a statement of the per cent milk fat.

B.08.013. Dry Whole Milk (Milk Powder, Powdered Milk, Powdered Whole Milk) shall be dried milk, and shall contain not less than

- (a) 95 per cent milk solids, and
- (b) 26 per cent milk fat,

with or without added vitamin D.

B.08.014. Dry Skim Milk (Skim Milk Powder, Powdered Skim Milk) shall be dried skim milk and shall contain not less than 95 per cent milk solids, with or without added vitamin D.

B.08.015. No person shall sell condensed milk, evaporated milk, evaporated skim milk, dry whole milk or dry skim milk, in which the vitamin D content has been increased either by irradiation or addition, unless

- (a) it contains, when reconstituted to its original moisture content, not less than 300 and not more than 400 International Units of vitamin D per pint,
- (b) in the case of addition, the menstruum containing the vitamin D contributes not more than 0·01 per cent fat foreign to milk, and
- (c) the label carries the statement "Vitamin D Increased" or "Vitamin D Added" immediately preceding or following the name of the food, without intervening written, printed, or graphic matter.

Food and Drugs Act—continued

B.08.016. (naming the flavour) Milk shall be made from

- (a) milk, milk powder, skim milk, or skim milk powder,
- (b) flavouring preparation, and
- (c) sweetening agent,

with or without food colour, stabilizer, or salt, and shall contain not less than 3·0 per cent milk fat.

B.08.017. Chocolate Drink shall be made from

- (a) milk, milk powder, skim milk, or skim milk powder,
- (b) cocoa, or chocolate, and
- (c) sweetening agent,

with or without food colour, flavouring preparation, stabilizer, or salt, and shall contain not less than 2·0 per cent milk fat.

B.08.018. No person shall sell (naming the flavour) milk or chocolate drink that contains more than 50,000 bacteria per cubic centimetre as determined by the official method.

B.08.019. No person shall sell (naming the flavour) milk or chocolate drink unless the label carries a statement of the per cent milk fat.

B.08.020. Malted Milk (Malted Milk Powder) shall be made by combining whole milk with the liquid separated from a mash of ground barley malt and meal, with or without the addition of salt, sodium bicarbonate or potassium bicarbonate, in such a manner as to secure the full enzyme action of the malt extract, and by removing water, and shall contain

- (a) not less than 7·5 per cent milk fat, and
- (b) not more than 3·5 per cent moisture.

B.08.021. (naming the flavour) Malted Milk, (naming the flavour) Malted Milk Powder shall be malted milk containing a flavouring preparation.

B.08.022. Cream shall be the fatty liquid prepared from milk by separating the milk constituents in such a manner as to increase the milk fat content.

B.08.023. No person shall sell canned cream unless the label carries a statement of the per cent milk fat.

Cheese

B.08.031. Cheese shall be made by coagulating the casein of whole milk, skim milk, evaporated milk, evaporated skim milk, cream, skim milk powder, whole milk powder, or mixtures thereof, with or without the addition of cream, skim milk powder, whole milk powder or of proportionately small amounts of other ingredients such as ripening ferments, harmless acid-producing bacterial cultures, special mould cultures, salt, seasoning, special flavouring materials, food colour, or Class III preservative.

B.08.032. Notwithstanding B.08.031, the milk used in the manufacture of cheese may be the normal lacteal secretion of the mammary gland of animals other than the cow, genus *Bos*, if

- (a) the label carries a statement of the source of the milk, and
- (b) such cheese conforms to all requirements for cheese as provided in this DIVISION.

Food and Drugs Act—continued

B.08.033. In this DIVISION, when used in relation to cheese, the expression

- (a) “pasteurized source” means whole milk, cream, skim milk, reconstituted skim milk or whole milk powders, or a mixture thereof that has been pasteurized by being held at a temperature of not less than 143°F. for a period of not less than 30 minutes, or for a time and a temperature that is equivalent thereto in phosphatase destruction as determined by the official method,
- (b) “stored” means to have kept, held or stored, cheese at a temperature of 35°F. or more for a period of 60 days or more from the date of the beginning of the manufacturing process, and
- (c) “whole cheese” means a cheese that is of the original size and shape as manufactured.

B.08.034. No person shall sell any cheese, except Cheddar cheese weighing 10 pounds or more, unless the label carries a statement of the variety or kind of cheese.

B.08.035. Cheddar Cheese (Canadian Cheddar Cheese) shall be cheese made by the Cheddar process from matted and milled curd, obtained by the action of rennet or other coagulating agent on whole milk, to which no skim milk has been added or from which no milk fat has been removed and shall contain on the dry basis not less than 48 per cent milk fat.

B.08.036. The varieties or kinds of cheese listed in the following table shall contain on the dry basis not less than the percentage of milk fat required in the table for that variety or kind of cheese:

Variety or Kind of Cheese	Minimum Fat Content on the Dry Basis
	Per cent
PART I	
Cheddar, Washed Curd Cheddar, Gouda, Granular, Colby, Brick, Blue, Gorgonzola, Roquefort and Limburger.....	48
PART II	
Swiss, Emmenthaler and Gruyere.....	43
Edam.....	40
Parmesan and Romano.....	32

B.08.037. Skim Milk Cheese shall be cheese, other than cottage cheese, that contains on the dry basis not more than 15 per cent milk fat.

B.08.038. Creamed Cheese shall be cheese made from cream or from milk to which cream has been added, with or without further processing and may contain not more than 0.5 per cent vegetable gum, gelatin or algin, and shall contain

- (a) not more than 55 per cent moisture, and
- (b) on the dry basis not less than 65 per cent milk fat.

Food and Drugs Act—continued

B.08.039. Cream Cheese with (naming the seasoning, relish, condiment or other cheese) shall be cheese made from cream or from milk to which cream has been added with the addition of seasonings, relishes, condiments or other cheese, with or without further processing and may contain not more than 0·5 per cent vegetable gum, gelatin or algin, and shall contain

- (a) not more than 60 per cent moisture, and
- (b) on the dry basis not less than 50 per cent milk fat.

B.08.040. Process Cheese (Emulsified Cheese, Process Cheese Spread) shall be the food produced by comminuting or mixing one or more lots of cheese into a homogeneous mass with the aid of emulsifying agents, and a sufficient degree of heat to bring about pasteurization in the manner described in B.08.033 (a), with or without the addition of water, solids derived from milk, food colour, seasoning, relishes, condiments, or Class III preservatives, and the finished product shall contain if manufactured from

- (a) a cream cheese base and without the use of seasoning, relishes or condiments,
 - (i) not more than 55 per cent moisture, and
 - (ii) on the dry basis not less than 65 per cent milk fat, or
- (b) a cream cheese base with the use of seasoning, relishes or condiments,
 - (i) not more than 60 per cent moisture, and
 - (ii) on the dry basis not less than 50 per cent milk fat, or
- (c) any cheese named in PART I of the table in B.08.036
 - (i) not more than 43 per cent moisture, and
 - (ii) on the dry basis not less than 48 per cent milk fat, or
- (d) any other cheese base,
 - (i) not more than 43 per cent moisture, and
 - (ii) on the dry basis not less than 45 per cent milk fat.

B.08.041. Skim Milk Process Cheese shall conform to the standard for process cheese except that it shall contain not more than

- (a) 55 per cent moisture, and
- (b) on the dry basis, 15 per cent milk fat.

B.08.042. No manufacturer shall sell whole cheese that is not made from a pasteurized source unless the date of the beginning of the manufacturing process is

- (a) marked or branded thereon within three days thereof or
- (b) marked on the label at the time of packaging, if the cheese is such that, because of its texture, consistency, or physical structure, such date cannot be effectively branded or marked on the cheese.

B.08.043. No manufacturer shall sell any cheese that is not made from a pasteurized source if it has been cut into smaller portions, unless

- (a) it has been duly stored or
- (b) each portion of cut cheese is marked, branded or labelled with the date of the beginning of the manufacturing process.

B.08.044. No person shall sell cheese that is not made from a pasteurized source unless it has been stored.

Food and Drugs Act—continued

B.08.045. Notwithstanding B.08.044, cheese that has not been manufactured from a pasteurized source and has not been stored but is marked or branded with the date of the beginning of the manufacturing process, may be sold to

- (a) a wholesaler,
- (b) a jobber, or
- (c) in quantities of not less than 900 pounds, to a retailer.

B.08.046. No person shall sell any whole cheese that has not been made from a pasteurized source unless there is stamped thereon the date of the beginning of the manufacturing process.

B.08.047. Every manufacturer, wholesaler, or jobber who sells cheese not made from a pasteurized source shall keep a record of

- (a) the registered number of the cheese factory,
 - (b) the date of manufacture of the cheese,
 - (c) the vat number or vat numbers,
 - (d) the name and address of the person to whom the cheese is sold, and
 - (e) the weight sold from each vat,
- for each lot of cheese sold.

B.08.048. The provisions of B.08.044 do not apply to cheese used as an ingredient in any food that is manufactured or processed so as to pasteurize such cheese in the manner described in B.08.033 (a).

B.08.049. Whey shall be the product remaining after the fat and casein have been removed from milk in the process of making cheese.

Butter

B.08.051. Butter shall be the food prepared by gathering the milk fat of milk or cream into a mass that may also contain a portion of the other milk constituents not separated in good manufacturing practice, with or without salt or food colour, and shall contain

- (a) not less than 80 per cent milk fat, and
- (b) not more than 16 per cent moisture.

B.08.052. Whey Butter shall be butter made from milk fat that has been recovered from whey.

Ice Cream

B.08.061. Ice Cream Mix shall be the unfrozen pasteurized combination of cream, milk, or other milk products, sweetened with sugar, invert sugar, honey, or a combination of not less than 75 per cent sugar or invert sugar and not more than 25 per cent dextrose or glucose, with or without

- (a) egg,
- (b) flavouring preparation,
- (c) cocoa or chocolate syrup,
- (d) food colour, or
- (e) not more than 0.5 per cent of the finished product of stabilizer, and shall contain not less than
- (f) 36 per cent solids, and
- (g) 10 per cent milk fat.

Food and Drugs Act—continued

B.08.062. Ice Cream shall be the frozen food made from ice cream mix by freezing, with or without the addition of cocoa or chocolate syrup, fruit, nuts, or confections, and shall contain not less than

- (a) 36 per cent solids,
- (b) 10 per cent milk fat,
- (c) 1·8 pounds of solids per gallon of which amount not less than 0·50 pound shall be milk fat, and
- (d) not more than 0·5 per cent stabilizer,

and shall not contain more than 100,000 bacteria per gram as determined by the official method.

B.08.063. Sherbet shall be the frozen food other than ice cream made from a milk product, with or without

- (a) water,
- (b) sweetening agent,
- (c) fruit, or fruit juice,
- (d) citric, or tartaric acid,
- (e) flavouring preparation,
- (f) food colour, or
- (g) not more than 0·75 per cent of the finished product of stabilizer, and shall contain
- (h) not more than 5 per cent milk solids, including milk fat, and
- (i) not less than 0·35 per cent acid determined by titration and expressed as lactic acid.

DIVISION 9*Fats and Oils*

B.09.001. Vegetable fats and oils shall be obtained entirely from the botanical source after which they are named, and shall be prepared or processed so as to be dry and sweet in flavour and odour.

B.09.002. Animal fats and oils shall be obtained entirely from animals healthy at the time of slaughter, and shall be prepared or processed so as to be dry and sweet in flavour and odour.

B.09.003. Olive Oil (Sweet Oil) shall be the oil of the fruit of the olive tree, and shall have

- (a) a specific gravity (20°C./20°C.) of not less than 0·912 and not more than 0·918,
- (b) a refractive index (20°C.) of not less than 1·468 and not more than 1·470,
- (c) a Maumené number of not less than 42 and not more than 52,
- (d) an iodine value (Hanus) of not less than 77 and not more than 94,
- (e) a saponification value of not less than 185 and not more than 195, and
- (f) an acid value of not more than 7.

Food and Drugs Act—continued

B.09.004. Cotton Seed Oil shall be the oil of the seeds of the cotton plant, and shall have

- (a) a specific gravity (20°C./20°C.) of not less than 0·919 and not more than 0·928,
- (b) a refractive index (20°C.) of not less than 1·472 and not more than 1·474, and
- (c) an iodine value (Hanus) of not less than 100 and not more than 116.

B.09.005. Cacao Butter (Cocoa Butter) shall be the fat from sound cacao beans, obtained either before or after roasting, and shall have

- (a) a refractive index (40°C.) of not less than 1·453 and not more than 1·458,
- (b) a saponification value of not less than 188 and not more than 202,
- (c) an iodine value (Hanus) of not less than 32 and not more than 41, and
- (d) an acid value of not more than 5.

B.09.006. Corn Oil (Maize Oil) shall be the oil of the germ of Indian corn, and shall have

- (a) a specific gravity (20°C./20°C.) of not less than 0·918 and not more than 0·924,
- (b) a refractive index (20°C.) of not less than 1·473 and not more than 1·475,
- (c) a saponification value of not less than 188 and not more than 193, and
- (d) an iodine value (Hanus) of not less than 111 and not more than 130.

B.09.007. Peanut Oil (Arachis Oil) shall be the oil of the peanut, and shall have

- (a) a specific gravity (20°C./20°C.) of not less than 0·913 and not more than 0·920,
- (b) a refractive index (20°C.) of not less than 1·468 and not more than 1·472,
- (c) a saponification value of not less than 185 and not more than 196, and
- (d) an iodine value (Hanus) of not less than 83 and not more than 100.

B.09.008. Soy Bean Oil (Soja Oil, Soya Oil) shall be the oil of the seeds of the soy bean plant, and shall have

- (a) a specific gravity (20°C./20°C.) of not less than 0·921 and not more than 0·925, and
- (b) a refractive index (20°C.) of not less than 1·472 and not more than 1·476.

B.09.009. Sunflower Seed Oil shall be the oil of the seeds of the sunflower plant, and shall have

- (a) a specific gravity (20°C./20°C.) of not less than 0·918 and not more than 0·923,

Food and Drugs Act—continued

- (b) a refractive index (20°C.) of not less than 1·474 and not more than 1·477,
- (c) an iodine value (Hanus) of not less than 125 and not more than 141, and
- (d) a saponification value of not less than 185 and not more than 195.

B.09.010. No person shall sell any oil as salad oil or table oil unless the label of such oil carries the common name of each oil contained therein arranged in descending order of proportionate content in characters of identical size and type with those used for the word “salad” or the word “table”.

B.09.011. Shortening, other than butter or lard, shall be the plastic food prepared from fats, oils, or a combination of fats and oils, which may be processed by hydrogenation, with or without

- (a) Class IV preservative,
- (b) monoglycerides or a combination of monoglycerides and diglycerides, the weight of the monoglycerides being not more than 10 per cent and the total weight of the monoglycerides and diglycerides being not more than 20 per cent of the weight of the shortening,

and may contain not more than 1 per cent of substances other than monoglycerides, diglycerides, fatty acids and fat.

B.09.012. Monoglycerides, Monoglycerides and Diglycerides shall be monoglycerides or monoglycerides and diglycerides of fat-forming fatty acids (except lauric), and may contain

- (a) not more than 0·02 per cent glycine,
- (b) not more than 0·02 per cent phosphoric acid,
- (c) not more than 2·5 per cent glycerol, and
- (d) Class IV preservative.

B.09.013. Lard shall be the rendered fat from hogs, with or without Class IV preservative, and may not contain more than 1 per cent of substances other than fatty acids and fat.

B.09.014. Leaf Lard shall be lard that has been rendered at a moderately high temperature from the internal fat of the abdomen of the hog, excluding that adhering to the intestines, and shall have an iodine value (Hanus) of not more than 65.

B.09.015. Suet shall be fat taken from the region of the kidney or loin or caul fat of a beef carcass.

B.09.016. No person shall sell suet in comminuted form that contains more than 3 per cent cereal or more than 1 per cent salt.

DIVISION 10

Flavouring Preparations

B.10.001. Notwithstanding B.01.003 (a) (iv), no label declaration is required for the presence of added artificial or imitation flavouring preparation in bakery products, candy, ice cream, sherbet, liqueurs and alcoholic cordials, and soft drinks.

Food and Drugs Act—continued

- B.10.002.** A flavouring preparation containing added coumarin or an extract of tonka beans, the seed of *Dipteryx odorata* Willd. or *Dipteryx oppositifolia* Willd., is adulterated.
- B.10.003. (naming the flavour) Extract, or (naming the flavour) Essence** shall be a solution in ethyl alcohol, glycerol, propylene glycol or any combination of these, with or without added water, sweetening agent, food colour, Class II preservative or Class IV preservative, of sapid or odorous principles, or both, derived from the plant for which the flavouring extract or essence is named.
- B.10.004. Artificial (naming the flavour) Extract, Artificial (naming the flavour) Essence, Imitation (naming the flavour) Extract, Imitation (naming the flavour) Essence** shall be a flavouring extract or essence except that the flavouring principles shall be derived in whole, or in part, from sources other than the aromatic plant for which it is named and the flavouring strength of such artificial or imitation extract or essence shall be not less than that of the extract or essence if such extract or essence is defined in these regulations.
- B.10.005. (naming the flavour) Flavour** shall be a preparation other than a flavouring preparation described in B.10.003, of sapid or odorous principles, or both, derived from the aromatic plant for which the flavour is named, with or without sweetening agent, food colour, Class II preservative, Class IV preservative, or emulsifying agent and no liquid shall be added to such flavour other than water, ethyl alcohol, glycerol, or propylene glycol.
- B.10.006. Artificial (naming the flavour) Flavour, Imitation (naming the flavour) Flavour** shall be a flavour except that the flavouring principles may be derived in whole or in part from sources other than the aromatic plant for which it is named and the flavouring strength of such artificial or imitation flavour shall be not less than that of the flavour if such flavour is defined in these regulations.
- B.10.007.** Notwithstanding B.10.003 and B.10.005, a **(naming the fruit) Extract Naturally Fortified, (naming the fruit) Essence Naturally Fortified, (naming the fruit) Flavour Naturally Fortified** shall be an extract, essence, or flavour derived from the named fruit to which other natural extractives have been added and 51 per cent of the flavouring strength shall be derived from the named fruit.
- B.10.008.** On any label of or in any advertisement for an artificial or imitation flavouring preparation the word “artificial”, or “imitation”, shall be an integral part of the name of such flavouring preparation, and in identical type, and identically displayed, with such name.
- B.10.009. Almond Essence, Almond Extract, Almond Flavour** shall contain not less than 1 per cent by volume of the hydrocyanic acid-free volatile oil obtained from the kernels of the bitter almond, apricot, or peach.
- B.10.010. Anise Essence, Anise Extract, Anise Flavour** shall be prepared from natural or terpeneless oil of anise and shall correspond in flavouring strength to an alcoholic solution containing not less than 3 per cent by volume of oil of anise, the volatile oil obtained from the fruit of *Pimpinella anisum* L. or *Illicium verum* Hook.

Food and Drugs Act—continued

B.10.011. Celery Seed Essence, Celery Seed Extract, Celery Seed Flavour shall be prepared from celery seed, or oil of celery seed, or terpeneless oil of celery seed and shall correspond in flavouring strength to an alcoholic solution containing not less than 0·3 per cent by volume of oil of celery seed.

B.10.012. Cassia Essence, Cassia Extract, Cassia Cinnamon Essence, Cassia Cinnamon Extract, Cassia Flavour, Cassia Cinnamon Flavour shall be prepared from natural or terpeneless oil, obtained from leaves and twigs of *Cinnamomum cassia* L., containing not less than 80 per cent cinnamic aldehyde and shall correspond in flavouring strength to an alcoholic solution containing not less than 2 per cent by volume of oil of cassia cinnamon.

B.10.013. Ceylon Cinnamon Essence, Ceylon Cinnamon Extract, Ceylon Cinnamon Flavour shall contain not less than 2 per cent by volume of oil of Ceylon cinnamon, the volatile oil obtained from the bark of *Cinnamomum zeylanicum* Nees, containing

- (a) not less than 65 per cent cinnamic aldehyde, and
- (b) not more than 10 per cent eugenol.

B.10.014. Clove Essence, Clove Extract, Clove Flavour shall contain not less than 2 per cent by volume of oil of clove, the volatile oil obtained from clove buds.

B.10.015. Ginger Essence, Ginger Extract, Ginger Flavour shall contain in 100 millilitres the alcohol-soluble matter from not less than 20 grams of ginger.

B.10.016. Lemon Essence, Lemon Extract, Lemon Flavour shall be prepared from natural or terpeneless oil of lemon or from lemon peel and shall contain not less than 0·2 per cent citral derived from oil of lemon.

B.10.017. Nutmeg Essence, Nutmeg Extract, Nutmeg Flavour shall be prepared from natural or terpeneless oil of nutmeg and shall correspond in flavouring strength to an alcoholic solution containing not less than 2 per cent by volume of oil of nutmeg.

B.10.018. Orange Essence, Orange Extract, Orange Flavour shall be prepared from sweet orange peel, oil of sweet orange, or terpeneless oil of sweet orange, and shall correspond in flavouring strength to an alcoholic solution containing 5 per cent by volume of oil of sweet orange, the volatile oil obtained from the fresh peel of *Citrus aurantium* L. that shall have an optical rotation, at a temperature of 25°C., of not less than +95° using a tube 100 millimetres in length.

B.10.019. Peppermint Essence, Peppermint Extract, Peppermint Flavour shall be prepared from peppermint or oil of peppermint, obtained from the leaves and flowering tops of *Mentha piperita* L. or of *Mentha arvensis* De. C., var. *piperascens* Holmes, and shall correspond in flavouring strength to an alcoholic solution of not less than 3 per cent by volume of oil of peppermint, containing not less than 50 per cent free and combined menthol.

Food and Drugs Act—continued

- B.10.020. Rose Essence, Rose Extract, Rose Flavour** shall contain not less than 0·4 per cent by volume of attar of rose, the volatile oil obtained from the petals of *Rosa damascena* Mill., *R. centifolia* L., or *R. moschata* Herrm.
- B.10.021. Savory Essence, Savory Extract, Savory Flavour** shall be prepared from savory or oil of savory, and shall contain not less than 0·35 per cent by volume of oil of savory.
- B.10.022. Spearmint Essence, Spearmint Extract, Spearmint Flavour** shall be prepared from spearmint or from oil of spearmint, obtained from the leaves and flowering tops of *Mentha spicata* L., and shall contain not less than 3 per cent by volume of oil of spearmint.
- B.10.023. Sweet Basil Essence, Sweet Basil Extract, Sweet Basil Flavour** shall be prepared from sweet basil or from oil of sweet basil, obtained from the leaves and tops of *Ocimum basilicum* L., and shall contain not less than 0·1 per cent by volume of oil of sweet basil.
- B.10.024. Sweet Marjoram Essence, Sweet Marjoram Extract, Marjoram Essence, Marjoram Extract, Sweet Marjoram Flavour, Marjoram Flavour** shall be prepared from marjoram or from oil of marjoram, and shall contain not less than 1 per cent by volume of oil of marjoram.
- B.10.025. Thyme Essence, Thyme Extract, Thyme Flavour** shall be prepared from thyme or from oil of thyme, and shall contain not less than 0·2 per cent by volume of oil of thyme.
- B.10.026. Vanilla Extract, Vanilla Essence, Vanilla Flavour** shall be prepared from the vanilla bean, the dried, cured fruit of *Vanilla planifolia* Andrews, and shall contain in 100 millilitres the soluble matter of not less than 10 grams of the vanilla bean, and notwithstanding B.10.003 and B.10.005 shall contain no added colour.
- B.10.027. Wintergreen Essence, Wintergreen Extract, Wintergreen Flavour** shall be prepared from oil of wintergreen, the volatile oil distilled from the leaves of *Gaultheria procumbens* L. or from *Betula lenta* L., and shall contain not less than 3 per cent by volume of oil of wintergreen.

DIVISION 11

Fruits, Vegetables, and their Products

- B.11.001.** Canned vegetables shall be prepared by heat-processing properly prepared fresh vegetables, with or without
- (a) sugar or dextrose,
 - (b) salt, or
 - (c) a conditioner,
- and shall be packed in hermetically sealed containers.
- B.11.002.** Canned vegetables may contain as a conditioner, calcium chloride, calcium citrate, monocalcium phosphate, or calcium sulphate only, in an amount not greater than 0·026 per cent, calculated as calcium, if the presence of such conditioner is declared on the main panel of the label.

Food and Drugs Act—continued

- B.11.003. Tomatoes (Canned Tomatoes)** shall be the canned vegetable prepared from ripe tomatoes, and shall contain not less than 50 per cent drained tomato solids as determined by the official method.
- B.11.004. Tomato Juice** shall be the canned, unconcentrated, pasteurized liquid of whole, ripe tomatoes from which all stems and objectionable portions have been removed, with a portion of the pulp, expressed with or without the application of heat, by any method that does not add water to such liquid, and may contain salt, sugar, or dextrose.
- B.11.005.** The main panel of the label of tomato juice shall carry a declaration by name of any added salt, sugar, or dextrose.
- B.11.006. Tomato Pulp** shall be the canned vegetable made from whole, ripe tomatoes or sound tomato trimmings concentrated to yield a product with a specific gravity of not less than 1.050 (20°C./20°C.), with or without the addition of Class II preservative.
- B.11.007. Tomato Puree** shall be the canned vegetable made from whole, ripe tomatoes, with the skins and seeds removed, concentrated to yield a product with a specific gravity of not less than 1.050 (20°C./20°C.), with or without the addition of Class II preservative.
- B.11.008. Tomato Paste** shall be the canned vegetable made by evaporating a portion of the water from tomatoes or sound tomato trimmings, with or without
- (a) salt,
 - (b) Class II preservative, or
 - (c) food colour,
- and shall not contain skins or seeds, and shall contain not less than 20 per cent tomato solids as determined by the official method.
- B.11.009. Concentrated Tomato Paste** shall be tomato paste containing not less than 30 per cent tomato solids as determined by the official method.
- B.11.010. Tomato Catsup (Catsup)** and variants of the word Catsup, shall be the canned vegetable made from the juice of red-ripe tomatoes or sound tomato trimmings from which skins and seeds have been removed, with the addition of
- (a) vinegar,
 - (b) salt,
 - (c) seasoning, and
 - (d) sugar,
- and may contain
- (e) Class II preservative, and
 - (f) food colour,
- and where tomato trimmings or tomato products made from tomato trimmings are used the main panel of the label shall carry a declaration of the use of such materials.
- B.11.011.** Tomato juice or vegetable juices containing tomato juice is adulterated if it
- (a) shows mould filaments in more than 25 per cent of the microscopic fields or

Food and Drugs Act—continued

(b) contains, per millilitre, more than

(i) 50,000,000 bacteria or

(ii) 3,900,000 yeasts and spores

when examined by the official method.

B.11.012. Tomato puree, tomato paste, or tomato catsup is adulterated if it

(a) shows mould filaments in more than 50 per cent of the microscopic fields or

(b) contains, per millilitre, more than

(i) 100,000,000 bacteria or

(ii) 7,500,000 yeasts and spores

when examined by the official method.

B.11.013. Canned Peas may contain 0·04 per cent calcium hydroxide or 0·01 per cent magnesium hydroxide, provided that the main panel of the label carries the declaration "Alkali Added".

B.11.014. Beans with Pork (Beans and Pork) shall be the canned food prepared from dried beans and pork, with or without sauce, seasoning, spices, or sweetening agent, and shall contain not less than 60 per cent drained solids as determined by the official method.

B.11.015. Beans (Vegetarian Beans) shall be the canned food prepared from dried beans, with or without sauce, seasoning, spices, or sweetening agent, and shall contain not less than 60 per cent drained solids as determined by the official method.

B.11.016. Pickles and relishes shall be prepared from vegetables or fruits and salt, and may contain

(a) vinegar,

(b) sugar or dextrose,

(c) spices,

(d) seasonings,

(e) food colour, and

(f) Class II preservative.

Fruits

B.11.031. Canned fruits shall be prepared by heat-processing properly prepared fresh fruit, with or without sugar or dextrose, and shall be packed in hermetically sealed containers.

B.11.032. Canned apples shall be canned fruit to which may be added as a conditioner, calcium chloride, calcium citrate, monocalcium phosphate, calcium sulphate, in an amount not greater than 0·026 per cent, calculated as calcium, if the presence of such conditioner is declared on the main panel of the label.

B.11.033. Frozen fruit shall be fruit preserved by freezing, with or without

(a) sugar or dextrose, or

(b) ascorbic acid to prevent discoloration.

B.11.034. The main panel of the label of frozen fruit shall carry a declaration by name of any added sugar or dextrose.

B.11.035. The label of frozen fruit containing added ascorbic acid shall carry the statement "Contains ascorbic acid to prevent discoloration".

Food and Drugs Act—continued

Fruit Juices

B.11.045. Fruit juice shall be the unfermented liquid expressed from sound, ripe, fresh fruit, with or without

(a) sugar or dextrose, or

(b) Class II preservative.

B.11.046. The main panel of the label of fruit juice shall carry a declaration by name, and in per cent by weight, of any added sugar or dextrose.

B.11.047. Apple Juice shall be the fruit juice obtained from apples, with or without the addition of vitamin C, and shall have a specific gravity of not less than 1.041 and not more than 1.065 (20°C./20°C.), and shall contain, in 100 millilitres measured at a temperature of 20°C., not less than 0.24 gram and not more than 0.60 gram of ash, of which not less than 50 per cent shall be potassium carbonate.

B.11.048. Grape Juice shall be the fruit juice obtained from grapes, and shall have a specific gravity of not less than 1.040 and not more than 1.124 (20°C./20°C.), and shall contain, in 100 millilitres measured at a temperature of 20°C.,

(a) not less than 0.20 gram and not more than 0.55 gram of ash, and

(b) not less than 0.015 gram and not more than 0.070 gram of phosphoric acid calculated as P_2O_5 .

B.11.049. Carbonated (naming the fruit) Juice, Sparkling (naming the fruit) Juice shall be the named fruit juice that is impregnated with carbon dioxide under pressure.

B.11.050. Grapefruit Juice shall be the fruit juice obtained from grapefruit, and shall contain, in 100 millilitres measured at a temperature of 20°C.,

(a) not less than 9.5 grams of soluble solids, and

(b) not less than 1.0 gram and not more than 2.2 grams of acid calculated as anhydrous citric acid,

as determined by the official method.

B.11.051. Lemon Juice shall be the fruit juice obtained from lemons, and shall contain, in 100 millilitres measured at a temperature of 20°C., not less than

(a) 8.0 grams of soluble solids, and

(b) 5.0 grams of acid calculated as anhydrous citric acid, as determined by the official method.

B.11.052. Lime Juice (Lime Fruit Juice) shall be the fruit juice obtained from limes, and shall have a specific gravity of not less than 1.030 and not more than 1.040 (20°C./20°C.), and shall contain, in 100 millilitres measured at a temperature of 20°C., not less than

(a) 8.0 grams of soluble solids, and

(b) 6.4 grams of acid calculated as anhydrous citric acid,

as determined by the official method, and its optical rotation, determined at a temperature of 20°C., using a tube 200 millimetres in length, shall lie between +0.5 and -1.5 degrees Ventzke.

Food and Drugs Act—continued

B.11.053. Orange Juice shall be the fruit juice obtained from oranges, and shall contain, in 100 millilitres measured at a temperature of 20°C.,

- (a) not less than 10 grams of soluble solids,
 - (b) not less than 0·5 gram and not more than 1·9 grams of acid calculated as anhydrous citric acid, and
 - (c) not less than 8·0 grams of soluble solids to each gram of acid calculated as anhydrous citric acid,
- as determined by the official method.

B.11.054. Concentrated fruit juice shall be fruit juice which has been concentrated to at least one-half its original volume by the removal of water, with or without added vitamin C or food colour.

Jams

B.11.065. In this DIVISION an acid ingredient means

- (a) citric, malic, or tartaric acid,
- (b) lemon or lime juice, or
- (c) cider vinegar.

B.11.066. (naming the fruit) Jam shall be made by processing fruit, fruit pulp, or canned fruit, by boiling to a suitable consistency with water and sugar, invert sugar syrup, or dextrose, and shall contain not less than

- (a) 45 per cent of the named fruit, except that where such named fruit is strawberry it shall contain not less than 52 per cent,
 - (b) as determined by the official method, 2·1 per cent insoluble solids where such named fruit is raspberry, or 1·1 per cent insoluble solids where such named fruit is strawberry, and
 - (c) 66 per cent water-soluble solids as estimated by the refractometer, and may contain
 - (d) that amount of added pectin, pectinous preparation, or acid ingredient which reasonably compensates for any deficiency in the natural pectin content or acidity of the named fruit, or
 - (e) Class II preservative,
- and shall not contain apple or rhubarb.

B.11.067. (naming the fruit) Jam with Added Pectin shall be made by processing fruit, fruit pulp, or canned fruit, by boiling to a suitable consistency with water and sugar, invert sugar syrup, dextrose, or a combination consisting of not less than 75 per cent sugar, invert sugar, or dextrose and not more than 25 per cent glucose, and shall contain.

- (a) not less than 27 per cent of the named fruit, except that where such fruit is strawberry it shall contain not less than 32 per cent,
- (b) as determined by the official method, not less than 1·2 per cent insoluble solids where such named fruit is raspberry, or 0·7 per cent insoluble solids where such named fruit is strawberry,
- (c) not less than 66 per cent water-soluble solids as estimated by the refractometer, and
- (d) pectin or pectinous preparation,

Food and Drugs Act—continued

and may contain

(e) that amount of acid ingredient that reasonably compensates for any deficiency in the natural acidity of the named fruit,

(f) food colour, or

(g) Class II preservative,

and shall not contain apple or rhubarb.

B.11.068. Apple (or Rhubarb) and (naming the fruit) Jam shall be made by processing fruit, fruit pulp, or canned fruit, by boiling to a suitable consistency with water and sugar, invert sugar syrup, dextrose, or glucose, and shall contain not less than

(a) 12·5 per cent of the named fruit, except that where such fruit is strawberry it shall contain not less than 15 per cent,

(b) 20 per cent apple or rhubarb pulp, and

(c) 66 per cent water-soluble solids as estimated by the refractometer, and may contain

(d) pectin or pectinous preparation,

(e) that amount of acid ingredient that reasonably compensates for any deficiency in the natural acidity of the fruit used in its preparation,

(f) food colour, and

(g) Class II preservative,

and if more than 25 per cent of the sweetening agent used is glucose the presence of glucose shall be declared on the label.

B.11.069. A jam for which a standard is provided in B.11.068 that contains added pectin or pectinous preparation shall carry on the label a declaration of the addition of such substance.

Marmalade

B.11.075. (naming the citrus fruit) Marmalade shall be the food of jelly-like consistency made from any combination of peel, pulp, or juice of the named citrus fruit, by boiling with water and sugar, invert sugar syrup, or dextrose, and shall contain

(a) not less than 65 per cent water-soluble solids as estimated by the refractometer,

and may contain

(b) that amount of acid ingredient that reasonably compensates for any deficiency in the natural acidity of the named citrus fruit.

B.11.076. (naming the citrus fruit) Marmalade with Added Pectin shall be the food of jelly-like consistency made from any combination of peel, pulp, or juice of the named citrus fruit, by boiling with water and sugar, invert sugar syrup, or dextrose, or a combination consisting of not less than 75 per cent sugar, invert sugar, or dextrose and not more than 25 per cent glucose, and shall contain

(a) not less than 27 per cent of any combination of peel, pulp, or juice of the named citrus fruit,

(b) not less than 65 per cent water-soluble solids as estimated by the refractometer, and

(c) pectin or pectinous preparation,

Food and Drugs Act—continued

and may contain

- (d) that amount of an acid ingredient that reasonably compensates for any deficiency in the natural acidity of the citrus fruit used in its preparation,
- (e) Class II preservative.

B.11.077. Pineapple Marmalade, Fig Marmalade, Ginger Marmalade shall be the food of jelly-like consistency made from the pulp or juice of the named fruit or ginger, by boiling with water and sugar, invert sugar syrup, or dextrose, and shall contain not less than

- (a) 45 per cent of the named fruit or ginger, and
- (b) 65 per cent water-soluble solids as estimated by the refractometer, and may contain
- (c) that amount of added pectin, pectinous preparation, or acid ingredient that reasonably compensates for any deficiency in the natural pectin content or acidity of the named fruit or ginger.

B.11.078. Pineapple Marmalade with Added Pectin, Fig Marmalade with Added Pectin, Ginger Marmalade with Added Pectin shall be the food of jelly-like consistency made from the pulp or juice of the named fruit or ginger, by boiling with water and sugar, invert sugar syrup, dextrose, or a combination consisting of not less than 75 per cent sugar, invert sugar, or dextrose and not more than 25 per cent glucose, and shall contain

- (a) not less than 27 per cent of the named fruit or ginger,
- (b) not less than 65 per cent water-soluble solids as estimated by the refractometer, and
- (c) pectin or pectinous preparation, and may contain
- (d) that amount of acid ingredient that reasonably compensates for any deficiency in the natural acidity of the named fruit or ginger,
- (e) food colour and
- (f) Class II preservative.

B.11.079. (naming the fruit) Preserve (Conserve) shall be the food made by processing fruit other than apple or rhubarb with sugar, invert sugar syrup, or dextrose, and shall contain not less than

- (a) 45 parts by weight of the named fruit to each 55 parts by weight of sugar, invert sugar, or dextrose, and
- (b) 60 per cent water-soluble solids as estimated by the refractometer.

Jelly

B.11.085. (naming the fruit) Jelly shall be the gelatinous food, free of seeds and pulp, made from the named fruit, the juice of the named fruit or a concentrate of the juice of the named fruit, which has been boiled with water and sugar, invert sugar syrup, or dextrose, and shall contain not less than

- (a) 62 per cent water-soluble solids as estimated by the refractometer, and may contain
- (b) that amount of added pectin, pectinous preparation, or acid ingredient that reasonably compensates for any deficiency in the natural pectin content or acidity of the named fruit.

Food and Drugs Act—continued

B.11.086. (naming the fruit) Jelly with Added Pectin shall be the gelatinous food, free of seeds and pulp, made from the named fruit, the juice of the named fruit or a concentrate of the juice of the named fruit, which has been boiled with water and sugar, invert sugar syrup, dextrose, or a combination consisting of not less than 75 per cent sugar, invert sugar, or dextrose, and not more than 25 per cent glucose, and shall contain

- (a) not less than the equivalent of 32 per cent juice of the named fruit,
 - (b) not less than 62 per cent water-soluble solids as estimated by the refractometer, and
 - (c) pectin or pectinous preparation,
- and may contain
- (d) that amount of acid ingredient that reasonably compensates for any deficiency in the natural acidity of the named fruit,
 - (e) juice of another fruit,
 - (f) gelling agent,
 - (g) food colour, and
 - (h) Class II preservative.

B.11.087. Standards provided in these regulations for jam and jelly do not apply to cranberry sauce, jellied cranberry, cranberry jelly, mint jelly, and jellied mint.

Pie Fillers

B.11.091. Apple Pie Filler shall be the food prepared from

- (a) sound portions of mature apples, peeled, cored, and cut into segments or rings, and
 - (b) sugar, dextrose, or glucose,
- with or without
- (c) Class II preservative, or
 - (d) thickener,
- and shall contain not less than 20 per cent water-soluble solids as estimated by the refractometer.

B.11.092. Mince (Mince Meat, Fruit Mince) shall be the food prepared from

- (a) fruit or dried fruit,
 - (b) suet,
 - (c) salt,
 - (d) spices, and
 - (e) sweetening agent,
- and may contain
- (f) vinegar,
 - (g) fresh, concentrated, or fermented fruit juice,
 - (h) spirituous liquor,
 - (i) nuts,
 - (j) cooked meat, and
 - (k) Class II preservative.

Boiled Cider

B.11.100. Boiled Cider shall be the liquid expressed from whole apples, apple cores, apple trimmings, or apple culls, that is concentrated by boiling.

Food and Drugs Act—continued

DIVISION 12

Gelling Agents

B.12.001. Gelatin (Edible Gelatin) shall be the purified food obtained by extraction of such tissues as skin, ligaments and bones of animals and when tested by the official method shall contain not less than 82 per cent ash-free solids, and it may contain not more than

- (a) 2·6 per cent ash on the dry basis, and
- (b) 500 parts per million of sulphurous acid including salts thereof, calculated as sulphur dioxide

and a 5 per cent w/v solution in warm water shall be free from objectionable taste and offensive odour.

B.12.002. Gelatin shall not show the presence of more than 10,000 bacteria per gram, and coliform bacteria shall not be evident in 0·01 gram.

B.12.003. Agar (Agar-Agar) shall be the dried, purified, mucilaginous food obtained by aqueous extraction of seaweeds of different species of *Gelidium*, and may contain on the dry basis, not more than

- (a) 7 per cent total ash, and
- (b) 1 per cent ash insoluble in hydrochloric acid,

and shall yield with water a practically colourless and tasteless solution.

B.12.004. Irish Moss Gelose (Carrageen, Carrageenin) shall be the dried, purified, mucilaginous food obtained by aqueous extraction of seaweeds of the species *Chondrus crispus*, and shall yield with water a practically clear, colourless, and tasteless solution.

DIVISION 13

Grain and Bakery Products

B.13.001. Flour, White Flour shall be the food prepared by the grinding and bolting of cleaned, milling grades of wheat, and shall

- (a) be free from bran coat and germ to such extent that the percentage of ash therein, calculated on a moisture-free basis, does not exceed 1·20 per cent,
- (b) have a moisture content of not more than 15 per cent, and
- (c) have been bolted through cloth having openings not larger than those of woven wire cloth designated "149 microns (No. 100)",

and may contain

- (d) malted wheat flour,
- (e) malted barley flour in an amount not exceeding 0·50 per cent of the weight of the flour,
- (f) harmless preparations of enzymes obtained from *Aspergillus oryzae*,
- (g) oxides of nitrogen,
- (h) chlorine,
- (i) chlorine dioxide,
- (j) nitrosyl chloride,

Food and Drugs Act—continued

- (k) benzoyl peroxide mixed with not more than six parts by weight of one or a mixture of two or more of
 - (i) calcium carbonate,
 - (ii) calcium sulphate,
 - (iii) dicalcium phosphate,
 - (iv) magnesium carbonate,
 - (v) potassium aluminium sulphate,
 - (vi) sodium aluminium sulphate,
 - (vii) starch, and
 - (viii) tricalcium phosphate,
 in an amount not exceeding 100 parts by weight of benzoyl peroxide for each 1 million parts of flour,
- (l) potassium bromate in an amount not exceeding 50 parts by weight for each 1 million parts of flour, and
- (m) ammonium persulphate in an amount not exceeding 250 parts by weight for each 1 million parts of flour.

B.13.002. Enriched Flour, Enriched White Flour shall be flour to which has been added thiamine, riboflavin, niacin and iron in a harmless carrier and in such amounts that one pound of enriched flour shall contain

- (a) not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine,
- (b) not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin,
- (c) not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide,
- (d) not less than 13.0 milligrams and not more than 16.5 milligrams of iron,

with or without calcium carbonate or edible bone meal in an amount that will provide in one pound of enriched flour not less than 500 milligrams and not more than 650 milligrams of calcium.

B.13.003. Vitamin B White Flour (Canada Approved) shall be flour that has been milled in such a way as to retain a high proportion of the vitamins naturally occurring in the original wheat berry, and shall

- (a) constitute not less than 70 per cent of the wheat from which it is milled, and
- (b) be bolted through at least one cloth having openings not larger than those of woven wire cloth designated "149 microns (No. 100)",

and on a moisture-free basis shall contain

- (c) in one pound an amount of the vitamin B complex that will contribute not less than 1.2 milligrams of thiamine, and
- (d) not more than 0.70 per cent and not less than 0.61 per cent ash.

B.13.004. Enriched Vitamin B White Flour shall be Vitamin B White Flour (Canada Approved) to which has been added thiamine, riboflavin, niacin, and iron in a harmless carrier in amounts equivalent to those required to produce enriched flour.

Food and Drugs Act—continued

B.13.005. Whole Wheat Flour, Entire Wheat Flour shall be the food prepared by the grinding and bolting of cleaned, milling grades of wheat from which a part of the outer bran or epidermis layer may have been separated, and shall

- (a) contain the natural constituents of the wheat berry to the extent of not less than 95 per cent of the total weight of the wheat from which it is milled,
- (b) have an ash content, calculated on a moisture-free basis, of not less than 1·25 per cent and not more than 2·25 per cent,
- (c) have a moisture content of not more than 15 per cent, and
- (d) have a degree of fineness such that not less than 90 per cent bolts freely through a No. 8 (2380 micron) sieve, and not less than 50 per cent through a No. 20 (840 micron) sieve,

and may contain

- (e) malted wheat flour,
- (f) malted barley flour in an amount not exceeding 0·50 per cent of the weight of the flour,
- (g) harmless preparations of enzymes obtained from *Aspergillus oryzae*,
- (h) oxides of nitrogen,
- (i) chlorine,
- (j) chlorine dioxide,
- (k) nitrosyl chloride,
- (l) benzoyl peroxide mixed with not more than six parts by weight of one or a mixture of two or more of
 - (i) calcium carbonate,
 - (ii) calcium sulphate,
 - (iii) dicalcium phosphate,
 - (iv) magnesium carbonate,
 - (v) potassium aluminium sulphate,
 - (vi) sodium aluminium sulphate,
 - (vii) starch, and
 - (viii) tricalcium phosphate,

in an amount not exceeding 100 parts by weight of benzoyl peroxide for each 1 million parts of flour,

- (m) potassium bromate in an amount not exceeding 50 parts for each 1 million parts of flour, and
- (n) ammonium persulphate in an amount not exceeding 250 parts for each 1 million parts of flour.

B.13.006. Graham Flour shall be flour to which has been added part of the bran and other constituents of the wheat berry, and shall have an ash content, calculated on a moisture-free basis, of not less than 1·20 per cent and not more than 2·25 per cent.

B.13.007. Gluten Flour shall be made from flour by the removal of part of the starch and shall not contain more than 10 per cent moisture, and shall not contain more than 44 per cent starch, calculated on a moisture-free basis, as determined by the official method.

Food and Drugs Act—continued

B.13.008. Crushed Wheat, Coarse Ground Wheat shall be the food prepared by so crushing cleaned wheat that 40 per cent or more passes through a No. 8 (2380 micron) sieve and less than 50 per cent through a No. 20 (840 micron) sieve, the proportions of the natural constituents of such wheat, other than moisture, remaining unaltered, and shall have

- (a) an ash content, calculated on a moisture-free basis, of not less than 1.50 per cent and not more than 2.25 per cent, and
- (b) a moisture content of not more than 15.5 per cent.

B.13.009. Cracked Wheat shall be the food prepared by so cracking or cutting cleaned wheat into angular fragments that not less than 90 per cent passes through a No. 8 (2380 micron) sieve and not more than 20 per cent through a No. 20 (840 micron) sieve, the proportions of the natural constituents of such wheat, other than moisture, remaining unaltered, and shall have

- (a) an ash content, calculated on a moisture-free basis, of not less than 1.50 per cent and not more than 2.25 per cent, and
- (b) a moisture content of not more than 15.5 per cent.

B.13.010. Rice shall be the seed of the rice plant hulled, or hulled and polished, with or without the use of talc and glucose.

B.13.011. Corn Starch shall be made from maize, and shall contain not less than 84 per cent starch.

B.13.012. No person shall sell flour, enriched flour, vitamin B white flour (Canada Approved), enriched vitamin B white flour, whole wheat flour, or graham flour containing or on which has been used oxides of nitrogen, chlorine, chlorine dioxide, nitrosyl chloride or benzoyl peroxide unless

- (a) the quantity of such ingredients added be not more than sufficient for bleaching, or in case such ingredient has an artificial aging effect, not more than sufficient for bleaching and such artificial aging effect, and
- (b) the main panel of the label carries the word "Bleached".

B.13.013. No person shall sell flour, enriched flour, vitamin B white flour (Canada Approved), enriched vitamin B white flour, whole wheat flour or graham flour containing, or on which has been used chlorine, chlorine dioxide, nitrosyl chloride, potassium bromate or ammonium persulphate unless the main panel of the label carries the words "Maturing agents added".

B.13.014. For the purpose of this DIVISION moisture, ash and fineness shall be determined by the official method.

Bread

B.13.021. Bread, White Bread shall be made by baking a yeast-leavened dough prepared with flour and water, and may contain

- (a) salt,
- (b) shortening, lard, butter or margarine,
- (c) milk or milk product,
- (d) whole egg, egg-white, egg-yolk, (fresh, dried, or frozen),
- (e) sweetening agent,

Food and Drugs Act—continued

- (f) malt syrup, malt extract, or malt flour,
- (g) inactive dried yeast of the genus *Saccharomyces cerevisiae* in an amount not greater than 2 parts by weight for each 100 parts of flour used,
- (h) harmless preparations of enzymes obtained from *Aspergillus oryzae*,
- (i) oatmeal, corn flour, potato flour, rice flour, soy bean flour, barley flour, vegetable flours, corn starch, potato starch, wheat starch, any of which may be wholly or partially dextrinized, the total of such additions being not more than 5 parts by weight for each 100 parts of flour used,
- (j) other parts of the wheat berry,
- (k) lecithin,
- (l) monoglycerides and diglycerides of fat-forming fatty acids (except lauric acid), the weight of the monoglycerides being not more than 10 per cent, and the total weight of monoglycerides and diglycerides being not more than 20 per cent of the combined weight of the fat and the monoglycerides and diglycerides added,
- (m) ammonium sulphate, calcium carbonate, calcium lactate, calcium sulphate, diammonium phosphate, dicalcium phosphate, mono-ammonium phosphate, potassium iodide, or any combination of these, the total being not more than 0.25 part by weight for each 100 parts of flour used,
- (n) monocalcium phosphate in an amount not greater than 0.75 part by weight for each 100 parts of flour used,
- (o) potassium bromate, potassium iodate, calcium peroxide, ammonium persulphate, potassium persulphate, or any combination of these, the total being not more than 0.0075 part by weight for each 100 parts of flour used,
- (p) vinegar,
- (q) Class III preservative, and
- (r) food colour.

B.13.022. Enriched Bread, Enriched White Bread shall be bread baked from a dough in which enriched flour is the only wheat flour used, and shall contain

- (a) not less than 2 parts by weight of skim milk solids for each 100 parts of flour used, and
- in each pound
- (b) not less than 1.1 milligrams and not more than 2.4 milligrams of thiamine,
 - (c) not less than 0.8 milligram and not more than 1.8 milligrams of riboflavin,
 - (d) not less than 10.0 milligrams and not more than 15.0 milligrams of niacin or niacinamide, and
 - (e) not less than 8.0 milligrams and not more than 12.5 milligrams of iron.

B.13.023. Vitamin B White Bread (Canada Approved) shall be bread baked from a dough in which Vitamin B White Flour (Canada Approved) is the only flour used, and shall contain not less than

- (a) 4 parts by weight of skim milk solids for each 100 parts of flour used, and

Food and Drugs Act—continued

(b) in one pound of the bread an amount of the vitamin B complex that will contribute not less than 0.54 milligram of thiamine.

B.13.024. Enriched Vitamin B White Bread shall be Vitamin B White Bread (Canada Approved) in the making of which enriched vitamin B white flour is the only wheat flour used.

B.13.025. Raisin Bread shall be bread that contains for each one hundred parts by weight of flour used not less than fifty parts by weight of seeded or seedless raisins, or raisins and currants of which not less than thirty-five parts shall be raisins, and may contain spices or peel.

B.13.026. (naming the percentage) Whole Wheat Bread shall be bread with or without the addition of caramel, in the making of which the named percentage of the flour used shall be whole wheat flour and the percentage of whole wheat flour shall be not less than 60 per cent of the total flour used.

B.13.027. Brown Bread shall be bread coloured by the use of whole wheat flour, graham flour, bran, molasses, or caramel.

B.13.028. No person shall sell brown bread unless the main panel of the label carries the statements

- (a) "Made from (naming the percentage) per cent whole wheat flour" if whole wheat flour is used, otherwise the statement "Made without whole wheat flour", and
- (b) "Coloured with (naming the molasses and/or caramel)" if molasses and/or caramel are used.

B.13.029. Notwithstanding B.13.021, specialty breads may contain

- (a) the ingredients listed in B.13.021 (i) in an amount greater than 5 per cent, and
- (b) fruits, nuts, seeds and special flavouring ingredients not provided for in B.13.021 (i).

B.13.030. Notwithstanding B.01.007, enriched bread, whole wheat bread, or brown bread shall be labelled in accordance with these regulations, or a sign shall be prominently displayed on the premises where the bread is sold that carries the information required to appear on the label of these foods by these regulations.

Alimentary Paste

B.13.051. No person shall sell as containing egg, any alimentary paste such as noodles, macaroni, spaghetti, unless such alimentary paste contains on the dry basis not less than 4 per cent egg-yolk solids derived from whole egg, dried egg, frozen egg, or egg-yolk.

Special Dietary Bakery Products

B.13.061. Special dietary bakery products shall be breads, biscuits, cakes, or similar bakery products that contain not more than one-half as much glycogenic carbohydrates as the normal food of the same class.

Food and Drugs Act—continued**DIVISION 14***Meat, its Preparations and Products***B.14.001.** In this DIVISION

- (a) “animal” means any animal used as food, but does not include marine and fresh water animals,
- (b) “filler” means
 - (i) flour or meal prepared from grain or potato, but not from a legume,
 - (ii) bread, biscuit, or bakery products, but not those containing or made with a legume, and
 - (iii) milk powder, skim milk powder, buttermilk powder, or whey powder.

B.14.002. Meat shall be the clean, dressed flesh, exclusive of the lips, snouts, and ears, of animals healthy at the time of slaughter, and includes the heart, tongue, diaphragm, oesophagus, and skeletal musculature with attendant tissues.

B.14.003. Meat by-product shall be the clean parts other than meat, but inclusive of the lips, snouts, and ears, derived from animals healthy at the time of slaughter, and includes the tissue residues from the processes whereby edible fats are dry-rendered.

B.14.004. Meat, meat by-products or preparations thereof are adulterated if any of the following substances or class of substances is present therein or has been added thereto,

- (a) mucous membranes, any organ or portion of the genital system, black gut, spleens, udders, lungs, or any other organ or portion of an animal that is not commonly sold as an article of food,
- (b) preservative, other than Class I preservative,
- (c) colour, other than caramel.

B.14.005. Prepared meat or prepared meat by-product shall be meat or meat by-product respectively, whether comminuted or not, to which has been added any other ingredient permitted by these regulations, or which has been preserved, canned, or cooked.

B.14.006. A food that consists wholly or in part of a meat by-product or a prepared meat by-product shall be labelled

- (a) with the words “meat by-product” or
- (b) with the name of the meat by-product.

B.14.007. Meat Binder, (naming the meat product) Binder shall be any combination of filler, salt, sugar, dextrose, glucose, spices and other seasonings except tomato, and

- (a) when sold for use in preserved meat and preserved meat by-product may contain potassium nitrate, sodium nitrate, sodium nitrite, sodium ascorbate and ascorbic acid, and
- (b) when sold for use in prepared meat or meat by-product in which gelling agent is a permitted ingredient, may contain gelling agent.

B.14.008. The label of a filler represented for use in meat products either by label or in any advertisement, or of a meat binder, shall carry directions for use that, when followed, will produce a food that will comply with the requirements of B.14.030 and B.16.006.

Food and Drugs Act—continued

B.14.009. Pumping pickle, cover pickle and dry cure employed in the pickling or curing of preserved meat or preserved meat by-product may contain

- (a) Class I preservative,
- (b) ascorbic acid and sodium ascorbate, and
- (c) disodium phosphate, in the pumping pickle for cooking and canning hams and pork shoulders only,
 - (i) in an amount not exceeding 5 per cent of the pickle, and
 - (ii) in an amount which will result in not more than 0·5 per cent disodium phosphate in the finished product.

Meats, Meat By-products

B.14.015. Hamburg (Hamburg Steak) shall be comminuted beef, and shall contain not more than 30 per cent fat which shall be comprised of the fat normally adherent to the beef used.

B.14.016. No person shall sell horse-meat or horse-meat by-product, or any food containing horse-meat or horse-meat by-product unless

- (a) it is labelled as such when offered or exposed for sale, and
- (b) when in package form, the main panel of the label carries a declaration of the presence of horse-meat or of horse-meat by-product in type at least as legible and conspicuous as any other type upon such main panel.

Prepared Meats, Prepared Meat By-products

B.14.030. No person shall sell a prepared meat or prepared meat by-product, except blood pudding, black pudding, and white pudding, that contains more than

- (a) that amount of filler, meat binder, or other ingredients, that is represented by 4 per cent reducing sugars, calculated as dextrose, as determined by the official method, or
- (b) 60 per cent moisture where such prepared meat or prepared meat by-product contains filler.

B.14.031. Preserved meat or preserved meat by-product shall be cooked or uncooked meat or meat by-product to which has been added Class I preservative, and shall be salted, pickled, corned, cured, or smoked.

B.14.032. Sausage (Sausage Meat) shall be comminuted meat, either fresh or preserved, with added salt and spices, and may contain

- (a) animal fat,
- (b) filler,
- (c) beef tripe,
- (d) liver,
- (e) fresh blood from neat cattle,
- (f) sugar, dextrose, or glucose,
- (g) other seasonings except tomato, and
- (h) meat binder,

with or without subsequent smoking or cooking.

Food and Drugs Act—continued

- B.14.033. Potted Meat (Meat Paste, Meat Spread)** shall be comminuted and cooked, fresh or preserved meat, with or without filler, meat binder, salt, sugar, dextrose, glucose, spices, other seasonings or gelling agent.
- B.14.034. Potted Meat By-product (Meat By-product Paste, Meat By-product Spread)** shall be made, wholly or in part, from meat by-products, and shall otherwise conform to the standard prescribed for potted meat.
- B.14.035. Meat Loaf (Meat Roll, Meat Lunch, Luncheon Meat)** shall be comminuted and cooked, fresh or preserved meat, with or without filler, meat binder, salt, sugar, dextrose, glucose, spices, other seasonings, milk, eggs, or gelling agent, pressed into shape.
- B.14.036. Meat By-product Loaf, Meat and Meat By-product Loaf** shall be made, wholly or in part, from meat by-products, and shall otherwise conform to the standard prescribed for meat loaf.
- B.14.037. Head Cheese** shall be the comminuted, cooked, edible parts of swine, or other animals, and shall contain
- (a) not less than 50 per cent head meat,
 - (b) no skin other than that naturally adherent to the pork meat used,
- and may be prepared with or without added gelling agent.
- B.14.038. Brawn** shall be head cheese, except that it need not contain 50 per cent of head meat.
- B.14.039.** The label of prepared meat or prepared meat by-product, to which gelling agent has been added as permitted by these regulations, shall carry a declaration of the presence of added gelling agent, or the word "jellied" as an integral part of the name of the food.

Meat Derivatives

- B.14.061. Edible Bone Meal, Edible Bone Flour** shall be the food product prepared by grinding dry, defatted bones, obtained from animals healthy at the time of slaughter, and
- (a) shall contain not less than 85 per cent ash,
 - (b) shall not contain more than 1,000 bacteria per gram, and
 - (c) *Escherichia coli* shall be absent from 1 gram,
- as determined by the official method.

DIVISION 15

Poisonous Substances in Food

- B.15.001.** No person shall sell any food in a container that may yield to its contents any substance that may be injurious to the health of a consumer of the food.
- B.15.002.** Except as provided in these regulations, a food set out in the following table containing in or upon it
- (a) any or all of the poisonous or harmful substances listed in that table in amounts not exceeding the quantities stated therein in parts per million (p.p.m.) for that food, and

Food and Drugs Act—continued

(b) no other poisonous or harmful substance

is hereby exempted from the provisions of paragraph (a) of section 4 of the Act.

TABLE

Food	Substance				
	Arsenic p.p.m.	Lead p.p.m.	Copper p.p.m.	Zinc p.p.m.	Fluorine p.p.m.
Citric Acid.....	1	10	50	50	2
Tartaric Acid.....	1	10	50	50	2
Cream of Tartar.....	2	20	50	50	2
Sodium Bicarbonate.....	2	5	50	50	2
Baking Powder.....	2	10	50	50	10
Phosphoric Acid.....	4	5	30	30	20
Calcium Phosphate.....	4	5	30	30	30
Sodium, Potassium, and Ammonium Phosphates.....	4	5	30	30	20
Sodium and Potassium Nitrates.....	1	10	50	50	2
Sodium Nitrite.....	1	20	50	50	2
Aluminium Compounds.....	3	10	50	50	2
Marine and Fresh Water Animal Products.	5	10	100	100	25
Liver.....	1	2	150	100	2
Fresh Fruits.....	2	7	50	50	2
Fresh Vegetables.....	1	2	50	50	2
Gelatin.....	2	7	30	100	2
Gelling Agents except Gelatin.....	2	20	50	200	2
Dried Herbs and Spices.....	5	10	50	50	20
Apple Juice, Cider, Wine and Beer.....	0.2	0.5	2	5	2
Fruit Juice except Apple Juice.....	0.1	0.2	2	5	1
Beverages as Consumed and Bottled Water.....	0.1	0.2	2	5	2
Tea.....	1	10	150	50	100
Edible Bone Meal.....	1	10	20	150	650

DIVISION 16

Preservatives

B.16.001. No person shall

(a) use as a preservative in or upon food or

(b) sell as a preservative for food

any substance other than those designated in this DIVISION as Class I, Class II, Class III, or Class IV preservatives.

B.16.002. No person shall sell

(a) benzoic acid, including salts thereof,

(b) sulphurous acid, including salts thereof,

(b) sorbic acid,

(d) propyl gallate,

(e) butylated hydroxyanisole, or

(f) nordihydroguaiaretic acid,

for use as a preservative for food, unless the label carries a quantitative statement of the amounts of such preservatives present.

Food and Drugs Act—continued

B.16.003. Where any Class II, Class III, or Class IV preservative is sold for use as a preservative for food, the label shall carry adequate directions for use in accordance with the limits prescribed for such preservative in this DIVISION.

B.16.004. Notwithstanding B.01.003 (a) (ii), no label declaration is required for the presence of sulphurous acid, including salts thereof, in or upon

- (a) glucose,
- (b) (naming the source of the glucose) syrup,
- (c) candy containing glucose,
- (d) molasses,
- (e) refiners' syrup,
- (f) sugar-cane syrup, or
- (g) wine.

B.16.005. Notwithstanding B.01.003 (a) (ii), no label declaration is required for the presence of Class III preservative, in or upon

- (a) bread,
- (b) bakery products,
- (c) cheese, or
- (d) process cheese.

B.16.006. Class I preservatives shall be

- (a) salt,
- (b) sugar,
- (c) dextrose,
- (d) glucose,
- (e) potassium nitrate,
- (f) sodium nitrate,
- (g) wood smoke,
- (h) vinegar,
- (i) spices,
- (j) alcohol, and
- (k) sodium nitrite in fresh fish, preserved fish, and preserved meat only, in an amount not exceeding 200 parts per million of the finished food.

B.16.007. Class II preservatives shall be

- (a) benzoic acid, including salts thereof,
- (b) sulphurous acid, including salts thereof, and
- (c) sorbic acid.

B.16.008. No person shall use in or upon a food more than one Class II preservative.

B.16.009. No person shall use in or upon a food, more than

- (a) 1,000 parts per million of benzoic acid or
- (b) 1,000 parts per million of sorbic acid.

Food and Drugs Act—continued

B.16.010. Except as provided in these regulations, no person shall use sulphurous acid, calculated as sulphur dioxide, in amounts greater than

- (a) 100 parts per million in beverages as prepared for consumption in accordance with label directions,
- (b) 2,500 parts per million in or upon dried fruits and vegetables, or
- (c) 500 parts per million in or upon other foods.

B.16.011. Class III preservatives shall be

- (a) propionic acid, including salts thereof,
- (b) sodium diacetate, and
- (c) sorbic acid.

B.16.012. No person shall use in or upon a food, more than

- (a) 2,000 parts per million of propionic acid,
- (b) 3,000 parts per million of sodium diacetate, or
- (c) 1,000 parts per million of sorbic acid.

B.16.013. Class IV preservatives shall be

- (a) gum guaiacum,
- (b) vegetable oil containing tocopherols,
- (c) lecithin,
- (d) citric, tartaric, or ascorbic acid,
- (e) propyl gallate,
- (f) butylated hydroxyanisole (a mixture of 2-tertiarybutyl-4-hydroxyanisole and 3-tertiarybutyl-4-hydroxyanisole),
- (g) ascorbyl palmitate,
- (h) nordihydroguaiaretic acid, and
- (i) isopropyl citrate.

B.16.014. No person shall use in or upon a food Class IV preservative, singly or in combination, in an amount greater than 0·2 per cent of the finished product, except that in the case of

- (a) propyl gallate the amount shall not be greater than 0·01 per cent,
- (b) butylated hydroxyanisole the amount shall not be greater than 0·02 per cent, and
- (c) nordihydroguaiaretic acid the amount shall not be greater than 0·005 per cent.

B.16.015. No person shall use in or upon a food both propyl gallate and nordihydroguaiaretic acid.

DIVISION 17

Salt

B.17.001. Salt shall be crystalline sodium chloride, and may contain not more than

- (a) 1·4 per cent calcium sulphate, and
- (b) 0·1 per cent other impurities.

B.17.002. Free-Running Salt shall be fine-grained salt to which has been added not more than 1 per cent of an anticaking agent.

Food and Drugs Act—continued

B.17.003. Notwithstanding the provisions of B.17.002, **Free-Running Flour Salt** shall be fine-grained salt to which has been added not more than 2 per cent of an anticaking agent.

B.17.004. No person shall sell salt or free-running salt for table or general household use unless it contains 0·01 per cent potassium iodide, and the presence of the iodide is declared on the main panel of the label.

DIVISION 18

Sweetening Agents

B.18.001. Sugar shall be the food chemically known as sucrose, and if sold as granulated, cut-loaf, cube, milled, or powdered sugar, shall contain not less than 99·8 per cent sucrose.

B.18.002. Icing Sugar shall be powdered sugar, with or without

- (a) added food colour, or
- (b) not more than 5 per cent starch.

B.18.003. Brown Sugar (Yellow Sugar, Golden Sugar) shall be made by the partial refinement of the juice of the sugar-cane or other sugar-producing plant, and shall not contain more than

- (a) 4·5 per cent moisture, and
- (b) 3·5 per cent sulphated ash,

and shall contain not less than 90 per cent sugar and invert sugar.

B.18.004. Molasses shall be

- (a) the mother liquor obtained by evaporating the juice of the sugar-cane until a large proportion of the sugar has been separated by crystallization, or
- (b) the syrupy food obtained by evaporation and partial inversion of the juice of the sugar-cane which juice may or may not be clarified with or without the addition of sulphurous acid,

and shall not contain more than

- (c) 25 per cent moisture, and
- (d) 9 per cent sulphated ash,

and where the sulphated ash content does not exceed 3 per cent it may be called **Table Molasses**.

B.18.005. Refiners' Syrup, Refiners' Molasses shall be the residual liquid obtained in the process of refining raw sugar, with or without the addition of sulphurous acid, and shall not contain more than

- (a) 25 per cent moisture, and
- (b) 12 per cent sulphated ash.

B.18.006. Sugar-cane Syrup shall be made by the evaporation of the juice of the sugar-cane, with or without the addition of sulphurous acid, and shall not contain more than

- (a) 25 per cent moisture, and
- (b) 3 per cent sulphated ash.

Food and Drugs Act—continued

Dextrose, Glucose

B.18.015. Dextrose, for the purpose of **Part B** of these regulations, shall be the food chemically known as dextrose, and shall not contain more than 10 per cent moisture.

B.18.016. Glucose shall be the thick, syrupy, nearly colourless food made by incomplete hydrolysis of starch or of a starch-containing substance, and shall not contain

- (a) more than 22 per cent moisture,
 - (b) more than 1 per cent ash, and
 - (c) less than 40 per cent reducing sugars, calculated as dextrose on a moisture-free basis,
- and may contain sulphurous acid.

B.18.017. (naming the source of the glucose) Syrup shall be a combination of glucose with a sweetening agent, with or without the addition of a flavouring preparation, and shall not contain more than

- (a) 35 per cent moisture, and
 - (b) 3 per cent ash,
- and may contain sulphurous acid.

Honey

B.18.025. Honey shall be derived entirely from the nectar of flowers and other sweet exudation of plants by the work of bees, and shall not contain more than

- (a) 20 per cent moisture,
- (b) 8 per cent sucrose, and
- (c) 0.25 per cent ash,

and shall contain not less than 60 per cent invert sugar.

DIVISION 19

Vinegar

B.19.001. Vinegar shall be the liquid obtained by the acetous fermentation of an alcoholic liquid, and shall contain not less than 4.1 per cent, or more than 12.3 per cent acetic acid.

B.19.002. If any reference is made by any statement, mark, or device, to the strength of a vinegar on the label of or in an advertisement for a vinegar, the label shall carry a statement of the per cent acetic acid.

B.19.003. Wine Vinegar shall be vinegar made from wine, with or without the addition of caramel.

B.19.004. Spirit Vinegar (Alcohol Vinegar, White Vinegar, Grain Vinegar) shall be vinegar made from diluted distilled alcohol.

B.19.005. Malt Vinegar shall be vinegar made from an infusion of malt undistilled prior to acetous fermentation, with or without the addition of other cereals, or caramel, and shall be dextro-rotatory, and shall contain, in 100 millilitres measured at a temperature of 20°C., not less than

- (a) 1.8 grams of solids, and
- (b) 0.2 gram of ash.

Food and Drugs Act—continued

B.19.006. Cider Vinegar (Apple Vinegar) shall be vinegar made from the liquid expressed from whole apples, or apple culls, with or without the addition of caramel.

B.19.007. Blended Vinegar shall be a combination of two or more varieties of vinegar of which spirit vinegar shall contribute not more than 55 per cent of the total acetic acid.

B.19.008. No person shall name any of the varieties of vinegar forming a blended vinegar unless the label of such blended vinegar carries a complete list of all the varieties of vinegar present, in descending order of proportionate content, based on acetic acid.

DIVISION 20

Tea

B.20.001. Tea shall be the dried leaves and buds of *Thea sinensis* (L.) Sims prepared by the usual trade processes.

B.20.002. Black Tea shall contain, on the dry basis, not less than 30 per cent water-soluble extractive as determined by the official method, and not less than 4 per cent and not more than 7 per cent total ash.

B.20.003. Green Tea shall contain, on the dry basis, not less than 33 per cent water-soluble extractive as determined by the official method, and not less than 4 per cent and not more than 7 per cent total ash.

DIVISION 21

Marine and Fresh Water Animal Products

B.21.001. The foods referred to in this DIVISION are included in the term *marine and fresh water animal products*.

B.21.002. In this DIVISION

- (a) "marine and fresh water animal" includes
 - (i) fish,
 - (ii) crustaceans, molluscs, other marine invertebrates, and
 - (iii) marine mammals,
- (b) "fish" means the clean, dressed, edible portion of fish,
- (c) "meat" means the clean, dressed flesh of crustaceans, molluscs, other marine invertebrates, and marine mammals,
- (d) "filler" means
 - (i) flour or meal prepared from grain or potato, but not from a legume,
 - (ii) bread, biscuit, or bakery products, but not those containing or made with a legume, and
 - (iii) milk powder, skim milk powder, buttermilk powder, or whey powder.

B.21.003. Marine and fresh water animal products are adulterated if any of the following substances or class of substances is present therein or has been added thereto

- (a) mucous membranes, any organ or portion of the genital system, or any organ or portion of a marine or fresh water animal that is not commonly sold as an article of food,
- (b) preservative, other than Class I preservative, and
- (c) food colour, except in smoked fish and lobster paste.

Food and Drugs Act—continued

B.21.004. Prepared fish or prepared meat shall be fish or meat respectively, whether comminuted or not, to which has been added any other ingredient permitted by these regulations, or which has been preserved, canned, or cooked.

B.21.005. Fish Binder shall be any combination of filler, salt, sugar, dextrose, glucose, spices and other seasonings, that is used in or upon prepared fish.

B.21.006. No person shall sell a filler represented for use in fish products either by label or in any advertisement, or a fish binder, unless the label carries adequate directions for use in accordance with the limits provided in B.21.020.

Prepared Fish

B.21.020. No person shall sell prepared fish that contains more than
 (a) that amount of filler, fish binder or other ingredients that is represented by 4 per cent reducing sugars, calculated as dextrose, as determined by the official method, and
 (b) 70 per cent moisture where such prepared fish contains filler.

B.21.021. Preserved fish shall be cooked or uncooked fish, to which has been added Class I preservative and which shall be salted, pickled, cured or smoked.

B.21.022. Fish Sausage (Fish Sausage Meat) shall be comminuted fish, either fresh or preserved, with added salt and spices, and may contain
 (a) animal fat,
 (b) filler,
 (c) seasoning, and
 (d) sugar, dextrose, or glucose.

Shucked Oysters

B.21.030. No person shall sell shucked oysters that contain by volume more than 10 per cent fluid separable by draining for five minutes through a No. 10 (1680 micron) sieve.

DIVISION 22

Poultry, Poultry Meat, their Preparations and Products

B.22.001. Poultry shall be any bird that is commonly used as food.

B.22.002. Poultry meat shall be the clean, dressed flesh, exclusive of the giblets, of eviscerated poultry, healthy at the time of slaughter.

B.22.003. Poultry meat by-product shall be the clean parts of poultry other than poultry meat commonly used as food and includes the giblets and skin, but excludes the oesophagus, feet, and head.

B.22.004. Giblets shall be the heart, liver, and gizzard of poultry.

B.22.005. Poultry, Poultry Meat, Poultry Meat By-products, and preparations thereof are adulterated if any of the following substances or class of substances is present therein or has been added thereto, namely,
 (a) any organ or portion of poultry that is not commonly sold as food,
 (b) preservative other than Class I preservative,
 (c) colour other than caramel.

Food and Drugs Act—continued

B.22.006. Prepared poultry meat or prepared poultry meat by-product shall be poultry meat or poultry meat by-product, whether comminuted or not, to which has been added any other ingredient permitted by these regulations, or which has been preserved, canned, or cooked.

B.22.007. A food that consists wholly or in part of a poultry meat by-product or a prepared poultry meat by-product shall carry on the label

- (a) the words "poultry meat by-product" or
- (b) the name of the poultry meat by-product.

B.22.008. In this DIVISION filler shall be

- (a) flour or meal prepared from grain or potato, but not from a legume,
- (b) bread, biscuit, or bakery products, but not those containing or made with a legume, and
- (c) milk powder, skim milk powder, butter milk powder, or whey powder.

B.22.009. No person shall sell for consumption as food, poultry to which has been administered any preparation having oestrogenic activity.

Prepared Poultry Meats, Prepared Poultry Meat By-Products

B.22.020. No person shall sell a prepared poultry meat or a prepared poultry meat by-product that contains more than

- (a) that amount of filler or other ingredient that is represented by 4 per cent reducing sugars, calculated as dextrose, as determined by the official method or
- (b) 60 per cent moisture where such prepared poultry meat or prepared poultry meat by-product contains filler.

B.22.021. Preserved poultry meat or preserved poultry meat by-product shall be cooked or uncooked poultry meat or poultry meat by-product, to which has been added Class I preservative, and shall be cured or smoked.

B.22.022. Canned poultry shall be prepared from poultry meat, and may contain

- (a) those bones or pieces of bones attached to the portion of the poultry meat that is being canned,
- (b) broth,
- (c) salt,
- (d) seasoning,
- (e) gelling agent, or
- (f) small amounts of fat.

B.22.023. Broth that is used in canned poultry shall be the liquid in which the poultry has been cooked.

B.22.024. Canned poultry containing gelling agent shall carry on the label a declaration of the presence of the added gelling agent or the word "Gellied" as an integral part of the name of the food.

B.22.025. Boneless (naming the poultry) shall be canned poultry from which the bones and skin have been removed, and any liquid added shall be broth having a specific gravity of not less than 1.000 at a temperature of 50°C., and shall contain not less than 50 per cent of the named poultry meat as determined by the official method.

Food and Drugs Act—continued

Part C

DRUGS

DIVISION 1

General

C.01.001. In this Part

- (a) "antibiotic" means any drug or combination of drugs such as those named in C.01.410 to C.01.592 which is prepared from certain micro-organisms, or which formerly was prepared from micro-organisms but is now made synthetically and which possesses inhibitory action on the growth of other micro-organisms,
- (b) "common name" means, with reference to a drug, the name in English or French by which the drug is commonly known,
- (c) "expiration date" means any date prescribed by these regulations as the expiration date and after which a drug is not recommended for use,
- (d) "internal use" means ingestion by mouth or application for systemic effect to any part of the body in which the drug comes into contact with mucous membrane,
- (e) "new drug" means a drug that because of
 - (i) its method of manufacture,
 - (ii) its composition,
 - (iii) its dosage,
 - (iv) its route of administration, or
 - (v) the claims made for it
 is not generally recognized by experts qualified to evaluate the drug as safe for the use for which it is proposed or recommended,
- (f) "official drug" means any drug
 - (i) for which a standard is provided in these regulations or
 - (ii) for which no standard is provided in these regulations but for which a standard is provided in any of the publications mentioned in SCHEDULE B to the Act,
- (g) "parenteral use" means administration of a drug by means of a hypodermic syringe, needle or other instrument through or into the skin or mucous membrane,
- (h) "per cent" means per cent by weight unless otherwise stated,
- (i) "practitioner" means a person authorized by the law of a province of Canada to treat patients with any drug listed or described in SCHEDULE F to the Act,
- (j) "prescription" means an order given by a practitioner directing that a stated amount of any drug or mixture of drugs specified therein be dispensed for the person named in the order,
- (k) "proper name" means, with reference to a drug, the name in English or French
 - (i) assigned to the drug in C.01.002,
 - (ii) that appears in bold-face type for the drug in these regulations,
 - (iii) specified in the Canadian licence in the case of drugs included in SCHEDULE C or SCHEDULE D to the Act, or
 - (iv) assigned in any of the publications mentioned in SCHEDULE B to the Act in the case of drugs not included in (i), (ii), or (iii) of this paragraph, and
- (l) "teaspoon" means, for the purpose of calculation of dosage, a volume of five cubic centimetres.

Food and Drugs Act—continued

C.01.002. Proper names of drugs shall be those shown in the column headed "Proper Names" in the following table:

TABLE

<i>Proper Names</i>	<i>Chemical Names and Synonyms</i>
Acetanilide: Acetanilid	Acetylaminobenzene: Antifebrin: Phenylacetamide
Aminoacetic Acid: Glycocoll	Aminoacetic acid: Glycine
Aminopyrine	1,5-dimethyl-2-phenyl-4-dimethyl-amino-3-pyrazolone: Dimethyl-aminophenazone
Amphetamine	β -aminopropylbenzene
Barbitone: Barbitol	5,5-diethylbarbituric acid: Diethylmalonylurea
Bishydroxycoumarin	3,3'-methylene-bis(4-hydroxycoumarin): Dicoumarol
Bromisoval	2-monobromoisovalerylurea: Bromisovalum: Bromvaletone
Caffeine	1,3,5-trimethyl-2,6-dioxypurine
Carbromal	α -bromo- α -ethylbutyrylcarbamide
Chloromethapyrilene	N,N-dimethyl-N'-(2-pyridyl)-N'-(5-chloro-2-thenyl)-ethylene-diamine: Chlorothen
Cinchocaine	2-butoxy-N-(2-diethylaminoethyl)cinchoninamide: Dibucaine
Cinchophen	2-phenylquinoline-4-carboxylic acid: Quinophan
Disulfiram	Tetraethylthiuram disulphide
Hexobarbitone: Hexobarbital	1,5-dimethyl-5 Δ ¹ -cyclohexenyl barbituric acid
Iproniazid	1-isonicotinyl-2-isopropylhydrazide
Isoniazid	Isonicotinyl hydrazide
Mephenesin	3- <i>o</i> -toloxy-1,2-propanediol
Mepyramine	N, N-dimethyl-N'-(<i>p</i> -methoxybenzyl)-N'-(2-pyridyl)-ethylene-diamine: Pyrilamine
Mersalyl	Sodium [<i>o</i> (hydroxymercurimethoxypropylcarbamyl)phenoxy] acetate
Methadone	6-dimethylamino-4,4-diphenyl-3-heptanone
Methamphetamine	d-N, α -dimethylphenethylamine: d-desoxyephedrine
Paramethadione	3,5-dimethyl-5-ethyl-2,4-oxazolidine-dione
Phenacetin	<i>p</i> -acetphenetidin: Acetphenetidin: Acetophenetidin: <i>p</i> -ethoxyacetanilid
Phenobarbitone: Phenobarbital	5-phenyl-5-ethylbarbituric acid: Phenylethylmalonylurea
Phenylindanedione	2-phenylindane-1,3-dione
Pholedrine	<i>p</i> -(4-hydroxyphenyl)-isopropyl-methylamine

Food and Drugs Act—continued

<i>Proper Names</i>	<i>Chemical Names and Synonyms</i>
Procaine	<i>p</i> -aminobenzoyldiethylaminoethanol: Ethocaine
Soluble Barbitone: Barbitone Sodium: Soluble Barbital: Barbital Sodium	Sodium 5,5-diethylbarbiturate: Sodium diethylmalonylurea
Soluble Phenobarbitone: Phenobarbitone Sodium: Phenobarbital Sodium: Soluble Phenobarbital	Sodium 5-phenyl-5-ethylbarbiturate: Sodium phenylethylmalonylurea
Soluble Thiopentone	Sodium 5-ethyl-5-(1-methylbutyl) thiobarbiturate
Sulfamethazine	N ¹ -(4, 6-dimethyl-2-pyrimidyl) sulfanilamide: 2-(<i>p</i> -aminobenzene- sulphonamide)-4, 6-dimethylpyrimi- dine: Sulphadimidine
Sulfisoxazole	3, 4-dimethyl-5-sulfanilamido - isoxa- zole: Sulphafurazole
Tetracaine	2-dimethylaminoethyl- <i>p</i> - <i>n</i> - butylaminobenzoate: Amethocaine
Thiopentone	5-ethyl-5-(1-methylbutyl) thiobarbituric acid
Trimethadione	3, 5, 5-trimethyl-2,4-oxazolidinedione: Troloxidone

C.01.003. Except as provided in C.01.008 no person shall sell a drug that is not labelled as required by these regulations.

C.01.004. Except as provided in these regulations the label of a drug shall carry

(a) on the main panel of both the inner and the outer labels

- (i) the proper name and the standard under which the drug was manufactured which shall, if the standard is contained in any publication mentioned in SCHEDULE B to the Act, be stated in full or by the abbreviation therein provided, or if the standard is provided by DIVISION 5 or DIVISION 6 of **Part C** of these regulations, the standard shall be designated as Canadian Standard Drug or C.S.D. or, if the drug is manufactured under Canadian licence it shall be sufficient to state the Canadian licence number, and where there is a proprietary or brand name, the proper name shall immediately precede or follow the said proprietary or brand name in type of not less than one-half the size thereof, or
- (ii) if there is no proper name, the common name,

(b) on both the inner and the outer labels

- (i) the name of the manufacturer or distributor of the drug,
- (ii) the address of the manufacturer or distributor, except that where the immediate container contains 5 millilitres or less, this statement need not be made on the inner label,

Food and Drugs Act—continued

- (iii) where a drug is intended for parenteral use, the lot number thereof,
- (iv) adequate directions for use,
- (v) the proper name or if there is no proper name the common name of each medicinal ingredient contained therein except upon
 - (1) shipping cases or wrapping material,
 - (2) official drugs,
 - (3) drugs sold on prescription, or
 - (4) medicines registered under the Proprietary or Patent Medicine Act, and
- (c) on the outer label
 - (i) a correct statement of net contents in terms of weight, measure, or number, and
 - (ii) where the drug is intended for parenteral use, the name and proportion of any preservative present therein.

C.01.005. Any statement or information required by these regulations to be carried on a label shall be legibly and conspicuously displayed thereon.

C.01.006. Where a package of a drug has only one label, that label shall contain all the information required by these regulations to be shown on both the inner and the outer labels.

C.01.007. No reference, direct or indirect, to the Act or to these regulations shall be made upon any label of or in any advertisement for a drug unless such reference is a specific requirement of the Act or these regulations.

C.01.008. The provisions of C.01.004 do not apply to the label of a drug packaged from bulk on the premises where the drug is retailed; but where a package of a drug bears a statement, mark or device regarding the ingredients or substances contained therein in addition to

- (a) the name of the drug,
- (b) the name and address of the retailer, and
- (c) the net contents,

it shall be labelled as required by the Act and by these regulations.

C.01.009. Where by any statute of the Parliament of Canada or any regulation made thereunder a standard or grade is prescribed for a drug and that standard is given a name or designation by such statute or regulation, no person shall on a label of or in any advertisement for that drug use that name or designation unless the drug conforms with the standard or grade.

Limits of Drug Dosage

C.01.021. Except as provided in these regulations, no person shall sell a drug listed in the following table unless both the inner and the outer labels carry a statement of

- (a) the quantitative content of the drug, and
- (b) the recommended single and daily dose for adults except for preparations solely for external use.

Food and Drugs Act—continued

TABLE OF LIMITS OF DRUG DOSAGE FOR ADULTS

Item	External Use — Maximum Limit	Internal Use — Maximum Dosage Unless otherwise stated liquids are in minims and solids in grains	
		Single	Daily
Acetanilide and derivatives.....	—	1	3
Acetylsalicylic Acid and its salts.....	—	15	45
Aconitine, its preparations and derivatives...	0.2	1/660	1/660
Adonis vernalis.....	—	1	3
Amylocaine Hydrochloride.....	1.0	0.0	0.0
Antimony, compounds of.....	—	1/20	1/5
Arsenious Oxide.....	—	1/30	1/10
Atropine, Methylatropine, and their salts....	1.0	1/500	1/150
Belladonna and its preparations, on the basis of belladonna alkaloids.....	0.375	1/500	1/150
Benzene (Benzol).....	—	—	—
Benzocaine.....	8.0	3	9
Beta-Naphthol.....	—	3	9
Bromides, calculated as Sodium Bromide (not more often than every 3 hours).....	—	10	20
Butacaine Sulphate.....	1.0	0.0	0.0
Cantharides, Cantharidin, and their preparations, on the basis of cantharidin.....	0.03	0.0	0.0
Cantharides, blisters only.....	0.2	0.0	0.0
Cedar Oil.....	25.0	0.0	0.0
Chlorbutol (not more often than every 4 hours).....	—	5	15
Cinchocaine Hydrochloride.....	1.0	0.0	0.0
Cinchocaine Hydrochloride, suppositories only.....	—	1/6	1/6
Colchicine and its salts.....	—	1/120	1/40
Colchicum and its preparations, on the basis of colchicine.....	—	1/240	1/80
Croton Oil.....	10.0	0.0	0.0
Cupric Arsenite.....	—	1/100	1/25
Ephedrine and its salts.....	—	1/6	1/2
Ephedrine and its salts, sprays.....	1.0	—	—
Epinephrine and its salts, sprays.....	1.0	—	—
Gelseminine (Gelsemine) and its salts (not more often than every 4 hours).....	—	1/120	1/40
Gelsemium and its preparations, on the basis of the crude drug.....	—	1/4	3/4
Hellebore, Black (Christmas Rose).....	—	0.0	0.0
Hellebore, Green, and its preparations, on the basis of the crude drug.....	—	0.0	0.0
Hydrocyanic (Prussic) Acid as 2 per cent solution.....	—	1	5
Hyoscine (Scopolamine) and its salts.....	0.5	1/200	3/200
Hyoscyamine and its salts.....	—	1/200	3/200
Hyoscyamus and its preparations, on the basis of hyoscyamus alkaloids.....	—	1/900	1/300
Iron Arsenate.....	—	1/30	1/10
Lobelia and its preparations, on the basis of the crude drug.....	—	2	6
Mercury and its compounds.....	—	—	—
Methylene Blue.....	—	2	6
Nux Vomica and its preparations, on the basis of strychnine.....	—	1/60	1/20
Penicillin, its salts and derivatives (in lozenges not exceeding 3,000 International Units per dose).....	—	0.0	0.0
Phenacetin.....	—	10	30
Phenazone and compounds thereof.....	—	5	15
Phenol.....	2.0	1/2	4
Phosphorus.....	—	0.0	0.0
Potassium Chlorate.....	—	5	15
Potassium Chlorate, gargle.....	2.5	—	—
Procaine and its salts.....	—	—	—
Quinine Arsenate.....	—	1/15	1/5
St. Ignatius' Bean.....	—	1/2	1 1/2
Salicylamide.....	—	15	45

Food and Drugs Act—continued

TABLE OF LIMITS OF DRUG DOSAGE FOR ADULTS—Concluded

Item	External Use — Maximum Limit	Internal Use — Maximum Dosage Unless otherwise stated liquids are in minims and solids in grains	
		Single	Daily
Santonin.....	—	1	2
Sodium Arsenate Anhydrous.....	—	1/50	3/50
Sodium Cacodylate.....	—	1/4	3/4
Sodium Chlorate.....	—	5	15
Sodium Methylarsenate.....	—	1/2	1 1/2
Squill and its preparations, on the basis of the crude drug.....	—	1/2	1 1/2
Stramonium and its preparations, on the basis of Stramonium alkaloids.....	—	1/400	1/100
Strychnine and its salts.....	—	1/60	1/20

Where drugs having similar physiological actions occur in combination, the dosage of each shall be proportionately reduced.

NOTE: if doses are expressed in the metric system, 1 milligram may be regarded as the equivalent of 1/65 grain and 1 millilitre as the equivalent of 17 minims.

C.01.022. Notwithstanding C.01.021 (b), the recommended single and daily dosage of a drug

- (a) intended to be burned and the smoke inhaled may be increased to ten times the oral dose, and
- (b) intended for use as suppositories may be increased to 33⅓ per cent in excess of the oral dose.

C.01.023. No person shall sell a drug containing any of the drugs to which C.01.021 applies that is recommended for children unless both the inner and the outer labels also carry a suitably reduced maximum single and daily dose for children and when recommended solely for children shall not carry an adult dose.

C.01.024. The provisions of C.01.021, C.01.022 and C.01.023 do not apply to

- (a) a drug sold to a drug manufacturer,
- (b) a drug sold on prescription, or
- (c) the inner label of a single-dose container.

C.01.025. Both the inner and the outer labels of a drug that carry a recommended single or daily dosage or a statement of concentration in excess of the limits provided by C.01.021 shall carry a caution that the product is to be used only on the advice of a physician.

C.01.026. The provisions of C.01.025 do not apply to

- (a) a drug sold for veterinary use only,
- (b) a drug sold on prescription, or
- (c) the inner label of a single-dose container.

Food and Drugs Act—continued

C.01.027. No person shall advertise to the general public for human use, a drug that carries a recommended single or daily dosage or a statement of concentration in excess of the limits provided by C.01.021.


Schedule F Drugs

C.01.041. No person shall sell a drug listed or described in SCHEDULE F to the Act in these regulations referred to as SCHEDULE F Drug unless he has received a prescription therefor, and such prescription shall

- (a) if in writing, be retained by the dispenser thereof for a period of at least two years from the date of filling,
- (b) if orally given, forthwith be reduced to writing and recorded in a record to be retained by the dispenser thereof for a period of at least two years, which record shall show
 - (i) the date and number of the prescription,
 - (ii) the name and address of the person named therein,
 - (iii) the name and quantity of the drug specified therein,
 - (iv) the names of the persons issuing and receiving the prescription, and
 - (v) the directions for use given therewith, including whether or not the practitioner directs the refilling of the prescription.

C.01.042. No person shall refill a prescription for a SCHEDULE F Drug unless the practitioner so directs and specifies the number of times that the same may be refilled.

C.01.043. Notwithstanding C.01.041, a SCHEDULE F Drug may be sold without a prescription to

(a) a drug manufacturer, or
if the upper left quarter of the main panel of both the inner and the outer labels carries the symbol , to

- (b) a practitioner,
- (c) a wholesale druggist,
- (d) a registered pharmacist,
- (e) a hospital certified by the Department of National Health and Welfare, or
- (f) any Department of the Government of Canada or of a province upon an order signed by the Minister thereof or his duly authorized representative.

C.01.044. No person shall advertise to the general public for human use a SCHEDULE F Drug.


C.01.045. No person other than

- (a) a practitioner,
- (b) a drug manufacturer,
- (c) a wholesale druggist,
- (d) a registered pharmacist, or
- (e) a resident of a foreign country while a visitor in Canada shall import a SCHEDULE F Drug.

Food and Drugs Act—continued

C.01.046. The provisions of C.01.041, C.01.043, and C.01.045 do not apply to a drug listed or described in PART II of SCHEDULE F to the Act, if

- (a) the drug is in a form not suitable for human use, or
- (b) the main panel of both the inner and the outer labels carries the words “For Veterinary Use Only” or “Veterinary Use Only” immediately following or preceding the proprietary or brand name, proper name, or common name in type not less than one-half as large as the largest type on the label.

C.01.047. The symbol  shall not appear on the label of a drug unless it is required by these regulations.

Limits of Variability

C.01.061. Subject to C.01.062 where the contents of a package of a drug are expressed in terms of weight, measure, or number, no variations from the quantity declared on the label are permitted other than the following

- (a) variations due exclusively to weighing, measuring, or counting that occur in packaging conducted in accordance with good commercial practice, which variations are, except where the contents are expressed in terms of number, not to be such that the average content is less than the quantity declared on the label as determined by the official method.
- (b) variations due exclusively to differences in the capacity of containers resulting solely from unavoidable difficulties in manufacturing, but no greater variation is permitted because of the design of the containers than is permitted in the case of containers of similar capacity that can be manufactured so as to be of approximately uniform capacity,
- (c) variations in weight or measure that unavoidably result from the ordinary and customary exposure of the package to evaporation or to the absorption of water under normal atmospheric conditions,
- (d) for a drug, other than an official drug, put up in ampoules or vials and not prepared ready for injection, variations within the limits stated in the following table as determined by an acceptable method

Labelled amount per ampoule or vial	Limits of variation from the labelled amount
More than 50 milligrams.....	Not less than 95 per cent and not more than 105 per cent
More than 25 milligrams and not more than 50 milligrams.....	Not less than 90 per cent and not more than 110 per cent
Not more than 25 milligrams.....	Not less than 80 per cent and not more than 120 per cent

except that if the drug consists of several ingredients, the amount of each ingredient so dispensed shall be not less than 90 per cent and not more than 110 per cent of the amount calculated from the label description, and

Food and Drugs Act—continued

(e) for a drug, other than an official drug, put up in tablet or any other individual dosage or dispensing form other than in ampoules or vials, variations within the limits stated in the following table as determined by an acceptable method

Labelled amount per tablet	Limits of variation from the labelled amount
Not less than 5 grains.....	Not less than 94 per cent and not more than 106 per cent
Not less than $\frac{1}{2}$ grain and less than 5 grains..	Not less than 93 per cent and not more than 107 per cent
Not less than $\frac{1}{20}$ grain and less than $\frac{1}{2}$ grain	Not less than 92 per cent and not more than 108 per cent
Not less than $\frac{1}{100}$ grain and less than $\frac{1}{20}$ grain.....	Not less than 91 per cent and not more than 109 per cent
Less than $\frac{1}{100}$ grain.....	Not less than 90 per cent and not more than 110 per cent

except that

- (i) glyceryl trinitrate shall contain not less than 85 per cent and not more than 115 per cent of the labelled amount, and
- (ii) if the drug consists of several ingredients, the amount of each ingredient so dispensed shall be not less than 90 per cent and not more than 110 per cent of the amount calculated from the label description.

C.01.062. Notwithstanding C.01.061 where the contents of a package of a drug are expressed in terms of minimum weight, measure, or number, the contents of the package shall not be less than the minimum expressed.

C.01.063. Where a drug is put up in ampoules ready for parenteral use, each ampoule of the drug shall contain an excess volume sufficient to permit the withdrawal of the volume declared on the label.

C.01.064. Where a drug is prepared for parenteral use and contains a preservative ingredient, such ingredient

- (a) shall be added only in an amount that is non-toxic and harmless in the dosage in which the drug is recommended to be used, and
- (b) shall not interfere with the therapeutic properties of the drug.

C.01.065. No person shall sell a drug that is prepared for parenteral use unless the drug in its final container is tested, by an acceptable method, where such a test can be carried out, for identity, the presence of pyrogens, sterility and safety, and when so tested is found to be true to name, free of pyrogens, sterile and safe when used according to directions.

C.01.066. The immediate container of a drug prepared for parenteral use shall be of such material and construction that

- (a) no deleterious substance is yielded to the contents thereof, and
- (b) if made of glass, it permits inspection of the contents.

C.01.067. No person shall sell a drug that is a hypodermic tablet that does not completely dissolve in and form a clear solution with water.

Food and Drugs Act—continued*Mercuric Chloride Tablets*

C.01.071. No person shall sell mercuric chloride tablets for household use that are packaged in lots of two hundred or less, unless

- (a) such tablets are
 - (i) of an irregular or angular shape,
 - (ii) coloured blue, and
 - (iii) packed in an immediate container that is readily distinguishable by touch, and
- (b) the main panel of both the inner and the outer labels carries in prominent type and in a colour contrasting to that of such labels
 - (i) the design of a skull and cross-bones, and
 - (ii) the word "Poison".

Epinephrine Solutions

C.01.081. Solutions of epinephrine, its salts, or optical isomers for inhalation use shall carry on both the inner and the outer labels

- (a) a statement of the concentration, and strength in terms of epinephrine, and
- (b) the lot number.

Disinfectants

C.01.091. A preparation that is represented to be of value as a disinfectant, germicide or the like, shall carry on both the inner and the outer labels

- (a) a statement of the chemical name and proportion or amount of each active ingredient,
- (b) for preparations of phenolic type or of natural oils, except for soaps and ointments, a statement of the phenol co-efficient of the preparation as determined by an acceptable method,
- (c) for preparations containing available chlorine a statement of the percentage of such chlorine content, and
- (d) the lot number.

Synthetic Sweeteners

C.01.101. Saccharin, sodium salts of saccharin, or sodium or calcium salts of cyclohexyl sulphamic acid shall carry on both the inner and the outer labels the statement "(naming the synthetic sweetener) is a chemical substance without nutritive value and should be used in moderation".

Containers for Collapsible Tubes

C.01.121. No person shall sell a drug in a collapsible tube packed in a carton if the dimensions of the carton exceed

- (a) for all tubes without chip-board protectors, and tubes of less than $1\frac{1}{4}$ " diameter with chip-board protectors
 - (i) length—over-all tube length filled and clipped plus $8/32$ ",
 - (ii) height—diameter of tube plus $4/32$ ", and
 - (iii) width—1.25 times tube diameter plus $4/32$ ", and
- (b) for all tubes of $1\frac{1}{4}$ " diameter and over, with chip-board protectors
 - (i) length—over-all tube length filled and clipped plus $10/32$ ",
 - (ii) height—diameter of tube plus $4/32$ ", and
 - (iii) width—1.25 times tube diameter plus $4/32$ ".

Food and Drugs Act—continued

New Drugs

C.01.301. No person shall sell a new drug unless there has been filed with the Minister in a form, manner and content satisfactory to him for a period of not less than two months prior to the sale or for such other time not exceeding a further four months, as the Minister prescribes, a submission that includes

- (a) a description of the drug, including its proper name if any, or if it has no proper name the name under which it is proposed to be sold,
- (b) a statement of the amounts of all ingredients, route of administration, proposed dosage, the claims to be made for such drug, and a description of the pharmaceutical forms in which it is proposed to be sold,
- (c) details of its method of manufacture where necessary to evaluate its safety,
- (d) detailed reports of tests made to establish the safety of the drug for the purpose and under the conditions of use recommended,
- (e) particulars of tests applied to control potency, purity, and safety of the drug,
- (f) a draft in duplicate of each label proposed to be used, and
- (g) a sample of the drug in the pharmaceutical form in which it is proposed to be sold.

C.01.302. Notwithstanding C.01.301, a manufacturer may sell a new drug, to investigators qualified to use such drug, for the sole purpose of obtaining clinical and scientific data with respect to safety, stability, dosage, or efficacy, if

- (a) the Minister is first informed of the identifying name or mark by which the drug can be recognized,
- (b) both the inner and the outer labels carry the statement "For Experimental Use By Qualified Investigators Only",
- (c) the manufacturer, prior to making a shipment takes the necessary steps to ensure that any person to whom the drug is sold is a qualified investigator and that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, and
- (d) The manufacturer keeps accurate records of such distribution and makes these records available for inspection upon the request of an inspector.

Antibiotics

C.01.401. An antibiotic for other than parenteral use shall, in addition to meeting the requirements of C.01.004, carry on both the inner and the outer labels

- (a) the potency of the drug expressed in terms of International Units where established, or, if no International Unit has been established, in terms of units, milligrams or fractions of a gram, per gram in the case of solids or viscous liquids, per millilitre in the case of other liquids, or per individual dosage or dispensing form for antibiotic preparations put up in individual dosage or dispensing form,
- (b) the manufacturer's lot number, and
- (c) the expiration date.

Food and Drugs Act—continued

C.01.402. The manufacturer of an antibiotic or any preparation thereof shall determine a date therefor, in this DIVISION called the expiration date, after which the drug is not recommended for use and in determining such a date the manufacturer shall have regard to the stability of the drug and shall, on request, submit to the Director information respecting evidence supporting the determination of such date.

C.01.403. The provisions of C.01.401 do not apply to antibiotics for inclusion in an animal food or in an animal food supplement.

C.01.404. The label of an antibiotic sold for the treatment of mastitis shall carry a warning to the effect that milk from treated quarters should not be used for human consumption or marketed for making cheese for at least 72 hours after the last treatment.

Bacitracin

C.01.410. Bacitracin shall be an antibiotic substance produced during the growth of *Bacillus subtilis*.

C.01.411. When bacitracin is dissolved in distilled water and diluted to a concentration of 10,000 units per millilitre the solution shall be clear, and shall have a pH of not less than 5·5 and not more than 7·5.

C.01.412. Bacitracin shall not contain

(a) more than 5 per cent moisture, and

(b) less than 40 units per milligram except that, if intended for systemic medication, it shall contain not less than 50 units per milligram

as determined by an acceptable method.

Carbomycin

C.01.420. Carbomycin shall be an antibiotic substance produced during the growth of *Streptomyces halstedii*.

C.01.421. When 100 milligrams of carbomycin are dissolved in 10 millilitres of distilled water the solution shall be clear, and shall have a pH of not less than 5·5 and not more than 7·5.

C.01.422. Carbomycin shall not contain

(a) more than 3 per cent volatile matter, and

(b) less than 750 micrograms of carbomycin per milligram

as determined by an acceptable method.

Chloramphenicol

C.01.430. Chloramphenicol shall be an antibiotic substance with the chemical formula D(-)-threo-1-*p*-nitrophenyl-2-dichloroacetamido-1,3-propanediol produced synthetically or during the growth of *Streptomyces venezuelae*.

C.01.431. A saturated aqueous solution of chloramphenicol shall have a pH of not less than 4·5 and not more than 7·5.

C.01.432. Chloramphenicol shall not contain

(a) less than 900 micrograms of chloramphenicol per milligram, and

(b) histamine or histamine-like substance

as determined by an acceptable method.

Food and Drugs Act—continued

Chlortetracycline

C.01.440. **Chlortetracycline** shall be an antibiotic substance produced during the growth of *Streptomyces aureofaciens*.

C.01.441. When chlortetracycline is dissolved in distilled water and diluted to contain 10 milligrams of chlortetracycline per millilitre, the solution shall be clear, and shall have a pH of not less than 2·3 and not more than 3·3.

C.01.442. Chlortetracycline shall not contain

- (a) more than 2·0 per cent moisture,
 - (b) less than 900 micrograms of chlortetracycline per milligram, and
 - (c) histamine or histamine-like substance
- as determined by an acceptable method.

Erythromycin

C.01.450. **Erythromycin** shall be an antibiotic substance produced during the growth of *Streptomyces erythreus*.

C.01.451. A saturated aqueous solution of erythromycin shall have a pH of not less than 8·0 and not more than 10·5.

C.01.452. Erythromycin shall not contain

- (a) more than 10 per cent moisture as determined by the official method, and
- (b) less than 850 micrograms of erythromycin per milligram as determined by an acceptable method.

Neomycin

C.01.460. **Neomycin** shall be an antibiotic substance produced during the growth of *Streptomyces fradiae*.

C.01.461. When 330 milligrams of neomycin sulphate is dissolved in 10 millilitres of distilled water the solution shall be clear, and shall have a pH of not less than 5·0 and not more than 7·5.

C.01.462. Neomycin sulphate shall not contain

- (a) more than 5 per cent moisture, and
 - (b) less than 650 micrograms of neomycin per milligram
- as determined by an acceptable method.

Oxytetracycline

C.01.470. **Oxytetracycline** shall be an antibiotic substance produced during the growth of *Streptomyces rimosus*.

C.01.471. An aqueous solution of 10 milligrams of oxytetracycline hydrochloride per millilitre shall have a pH of not less than 2·3 and not more than 2·9.

Food and Drugs Act—continued**C.01.472.** Oxytetracycline hydrochloride shall not contain

- (a) more than 1·5 per cent volatile matter,
- (b) less than 800 micrograms of oxytetracycline per milligram, and
- (c) histamine or histamine-like substance when intended for parenteral use

as determined by an acceptable method.

*Penicillin***C.01.480. Penicillin** shall be one or more of the antibiotic substances produced during the growth of fungi such as *Penicillium notatum* or *Penicillium chrysogenum*.*Crystalline Penicillin***C.01.490. Crystalline Penicillin** shall be the heat-stable crystalline salt of one or more kinds of penicillin, e.g. F, G, K, X.**C.01.491.** No person shall sell crystalline penicillin described as a single kind of crystalline penicillin salt unless it contains more than 85 per cent of the named kind of crystalline penicillin salt.**C.01.492.** A mixture of crystalline penicillin salts shall carry on both the inner and the outer labels a statement of the quantitative composition by weight of the mixture in terms of the kinds of crystalline penicillin salts present.**C.01.493.** The provision of C.01.492 does not apply to components of the mixture present in amounts of less than 15 per cent of the whole.**C.01.494.** When crystalline penicillin is dissolved in distilled water and diluted to contain 10,000 International Units per millilitre the solution shall be clear, and shall have a pH of not less than 5·0 and not more than 7·5.**C.01.495.** Crystalline penicillin shall not contain more than 1·5 per cent moisture as determined by an acceptable method.**C.01.496.** Crystalline sodium penicillin G shall contain not less than 1,500 International Units of penicillin per milligram as determined by an acceptable method.**C.01.497.** Crystalline potassium penicillin G shall contain not less than 1,400 International Units of penicillin per milligram as determined by an acceptable method.*Procaine Penicillin***C.01.510. Procaine Penicillin** shall be the procaine salt of the acid of penicillin.**C.01.511.** A saturated aqueous solution of procaine penicillin shall have a pH of not less than 5·0 and not more than 7·5.**C.01.512.** Procaine penicillin shall not contain more than 4·5 per cent moisture, and procaine penicillin in oil shall not contain more than 1·5 per cent moisture as determined by an acceptable method.

Food and Drugs Act—continued

C.01.513. Procaine penicillin shall contain not less than 900 International Units of penicillin per milligram as determined by an acceptable method.

Dipenicillin G Dibenzylethylenediamine

C.01.520. Dipencillin G Dibenzylethylenediamine shall be the crystalline N,N'-dibenzylethylenediamine salt of penicillin G.

C.01.521. Dipencillin G dibenzylethylenediamine shall not contain
 (a) more than 8 per cent moisture, and
 (b) less than 1,050 International Units of penicillin per milligram as determined by an acceptable method.

C.01.522. A saturated aqueous solution of dipenicillin G dibenzylethylenediamine shall have a pH of not less than 5.0 and not more than 7.5.

Penicillin G Diethylaminoethyl Ester Hydriodide

C.01.530. Penicillin G Diethylaminoethyl Ester Hydriodide shall be the crystalline diethylaminoethyl ester hydriodide salt of penicillin G.

C.01.531. A saturated aqueous solution of penicillin G diethylaminoethyl ester hydriodide shall have a pH of not less than 4.0 and not more than 6.5.

C.01.532. Penicillin G diethylaminoethyl ester hydriodide shall not contain
 (a) more than 1.0 per cent moisture, and
 (b) less than 900 International Units of penicillin per milligram as determined by an acceptable method.

Penicillin G l-Ephenamine

C.01.540. Penicillin G l-Ephenamine shall be the heat-stable crystalline *laevo*-N-methyl-1, 2-diphenyl-2-hydroxyethylamine salt of penicillin G, prepared from crystalline penicillin G and crystalline *dl*-N-methyl-1, 2-diphenyl-2-hydroxyethylamine hydrochloride.

C.01.541. A saturated aqueous solution of penicillin G *l*-ephenamine shall have a pH of not less than 5.0 and not more than 7.5.

C.01.542. Penicillin G *l*-ephenamine shall not contain
 (a) more than 1.5 per cent moisture, and
 (b) less than 900 International Units of penicillin per milligram as determined by an acceptable method.

Polymyxin B

C.01.550. Polymyxin B shall be an antibiotic substance produced during the growth of various strains of *Bacillus polymyxa*.

C.01.551. When 10 milligrams of polymyxin B sulphate are dissolved in 10 millilitres of distilled water the solution shall have a pH of not less than 5.0 and not more than 7.5.

Food and Drugs Act—continued

C.01.552. Polymyxin B shall not contain

- (a) more than 7·5 per cent moisture,
 - (b) less than 3,800 units of polymyxin B per milligram unless prepared for non-parenteral use, in which case it shall contain not less than 5,000 units of polymyxin B per milligram, and
 - (c) histamine or histamine-like substance
- as determined by an acceptable method.

Streptomycin

C.01.560. **Streptomycin** shall be an antibiotic substance produced during the growth of *Streptomyces griseus*.

C.01.561. When streptomycin is dissolved in distilled water and diluted to contain 200,000 micrograms of streptomycin base per millilitre, the solution shall be clear and shall have a pH of not less than 4·5 and not more than 7·0 except that streptomycin solution sold as such shall have a pH of not less than 4·5 and not more than 8·0.

C.01.562. Streptomycin shall not contain

- (a) more than 3·0 per cent moisture,
- (b) less than 650 micrograms of streptomycin base per milligram,
- (c) histamine or histamine-like substance, and
- (d) more than 250 parts per million of contaminating heavy metals, and if contaminating heavy metals are present not more than 50 parts per million may be lead

as determined by an acceptable method.

C.01.563. **Dihydrostreptomycin** shall be a hydrogenated derivative of streptomycin and shall conform to the requirements for streptomycin in C.01.560 to C.01.562 except that the potency shall be expressed in terms of dihydrostreptomycin.

Streptomycylidene Isonicotinyl Hydrazine

C.01.570. **Streptomycylidene Isonicotinyl Hydrazine** shall be the crystalline sulphate compound of streptomycin sulphate and isoniazid.

C.01.571. When 0·2 gram of streptomycylidene isonicotinyl hydrazine is dissolved in 1 millilitre of distilled water the solution shall have a pH of not less than 4·5 and not more than 7·5.

C.01.572. Streptomycylidene isonicotinyl hydrazine shall not contain

- (a) more than 5 per cent moisture,
 - (b) less than 583 micrograms of streptomycin base per milligram,
 - (c) less than 13·75 per cent isoniazid, and
 - (d) histamine or histamine-like substance
- as determined by an acceptable method.

Tyrothrycin

C.01.580. **Tryothrycin** shall be an antibiotic substance produced during the growth of *Bacillus brevis*, and shall consist of a mixture of tyrocidine and gramicidin.

Food and Drugs Act—continued

Viomycin

C.01.590. **Viomycin** shall be an antibiotic substance produced during the growth of *Streptomyces puniceus*.

C.01.591. When one gram of viomycin sulphate is dissolved in 10 millilitres of distilled water the solution shall have a pH of not less than 4.5 and not more than 7.0.

C.01.592. Viomycin sulphate shall not contain

- (a) more than 3 per cent moisture,
 - (b) less than 700 micrograms of viomycin per milligram, and
 - (c) histamine or histamine-like substance
- as determined by an acceptable method.

DIVISION 2

Sex Hormones

C.02.001. In these regulations

- (a) "Canadian Reference Standard" means when used with reference to a sex hormone product the standard established by the Director from whom portions thereof for comparative testing may be obtained, and
- (b) "sex hormone" means any synthetic or natural product represented as having oestrogenic, androgenic, gonadotrophic or progestational properties and any drug consisting in whole, or in part, of sex gland tissue or any extract thereof.

C.02.002. When there is an international standard or a Canadian Reference Standard for the potency of a sex hormone, the potency of the sex hormone shall be expressed in terms of such standard as determined by the official method, but where no such standard exists the manufacturer of a sex hormone product shall

- (a) submit a suitable quantity of the product to be used as a Canadian Reference Standard for checking the uniformity of the product, or
- (b) where stable standards cannot be furnished by the manufacturer, include with every package of the sex hormone details of the unit of potency and the method of assay used.

C.02.003. The proper names of

- (a) natural crystalline sex hormones shall be
 - (i) **Androsterone**,
 - (ii) **Oestriol**,
 - (iii) **Oestradiol**,
 - (iv) **Oestrone**,
 - (v) **Progesterone**,
 - (vi) **Stilbestrol**,
 - (vii) **Testosterone**.
- and esters and derivatives of these,

Food and Drugs Act—continued

- (b) pure synthetic sex hormones shall be the name assigned in any of the publications mentioned in SCHEDULE B to the Act,
- (c) mixed or conjugated sex hormones shall be
 - (i) **Androgenic Substance,**
 - (ii) **Conjugated Oestrogenic Substance,**
 - (iii) **Oestrogenic Substance,**
 - (iv) **Progestational Substance,** and
- (d) gonadotrophins shall be **Gonadotrophin** with a qualifying word to indicate the source.

C.02.004. The provisions of C.01.004 do not apply to a sex hormone but a sex hormone shall carry

- (a) on both the inner and the outer labels
 - (i) the name of the manufacturer,
 - (ii) the proper name, and where there is a proprietary or brand name, the proper name shall immediately precede or follow the said proprietary or brand name in type of not less than one-half the size thereof,
 - (iii) the potency,
 - (iv) the lot number, and
- (b) on the other label
 - (i) the address of the manufacturer,
 - (ii) the name of the solvent or vehicle used in products in liquid form,
 - (iii) the name and amount of any preservative,
 - (iv) a statement of net contents in terms of weight, measure, or number,
 - (v) for chorionic gonadotrophins in aqueous solution, the expiration date that shall be not later than 24 months after the date of passing a potency test, and
 - (vi) for pregnant mare serum gonadotrophin in aqueous solution, the expiration date that shall be not later than 12 months after the date of passing a potency test.

C.02.005. The provisions of C.01.004 and C.02.004, do not apply to a sex hormone consisting in whole, or in part of sex gland tissue or extracts thereof for which no proper name is prescribed in C.02.003, and for which no standard of potency exists, but such sex hormone shall carry

- (a) on both the inner and the outer labels
 - (i) the name of the manufacturer,
 - (ii) the common name,
 - (iii) the lot number, and
- (b) on the outer label
 - (i) the address of the manufacturer,
 - (ii) the name of the solvent or vehicle used in products in liquid form,
 - (iii) the name and amount of any preservative,
 - (iv) a statement of net contents in terms of weight, measure, or number, and
 - (v) the statement, "The sex gland tissue (or extract as the case may be) in this preparation has no known therapeutic sex hormone action".

C.02.006. No person shall sell for administration to poultry that may be consumed as food, any substance having oestrogenic activity.

Food and Drugs Act—continued

DIVISION 3

Schedule C Drugs

C.03.001. In this DIVISION

- (a) "drug" means any drug mentioned or described in SCHEDULE C to the Act,
- (b) "licence" or "Canadian licence" means the prescribed form and manner used by the Minister to indicate that the premises in which a drug was in whole or in part manufactured, and the process and conditions of manufacture therein are suitable to ensure that the drug is not unsafe for use,
- (c) "manufacturer" means a person to whom a licence has been issued as provided in this DIVISION,
- (d) "master lot" means a quantity of a drug from which a lot is prepared for sale by subsequent dilution or mixture.

C.03.002. This DIVISION does not apply to a drug labelled for veterinary use only.

C.03.003. An application for a licence and for the renewal thereof shall be made on the form prescribed therefor in Appendix III and shall be accompanied by a fee of ten dollars payable to the Receiver General of Canada.

C.03.004. As a condition of the issuance and continuation of a licence, the Minister may require

- (a) inspection to be made at any time during normal business hours of
 - (i) the premises in which a drug, which is the subject of an application, is manufactured, and the process and conditions of manufacture therein,
 - (ii) the qualifications of technical staff concerned with the manufacture of the drug, and
 - (iii) the records relevant to the drug,
- (b) that a manufacturer shall supply, on request, samples of any material used in the production of a drug and samples of the finished drug

to ensure that the drug will not be unsafe for use.

C.03.005. As a condition of the issuance and continuation of a licence the Minister may require a manufacturer who manufactures a drug outside Canada under a Canadian licence

- (a) to designate a representative in Canada,
- (b) to furnish the name and address of such representative who shall maintain satisfactory records of the distribution of the drug in Canada.

C.03.006. A licence shall be in the form prescribed therefor in Appendix III and shall expire on the 31st of March of each year.

C.03.007. The Minister may make a charge to cover the necessary living and travelling expenses of any inspector in connection with any inspection as required by these regulations.

C.03.008. The Minister may refuse to issue a licence, or may cancel, or may suspend any licence so issued in whole, or as regards to any drug

Food and Drugs Act—continued

in respect of which it is issued, and may impose such conditions for the removal of such suspension or the reinstatement of the licence as he considers necessary to ensure that any drug for which the licence is issued will not be unsafe for use.

C.03.009. Every manufacturer shall keep records in a satisfactory form respecting the manufacture, testing, and distribution of each lot of a drug manufactured by him, giving the date of such manufacture, testing or distribution, and make these records available to the Minister on request.

C.03.010. The Minister may refuse to issue, or may cancel or suspend the licence of a manufacturer who does not maintain his premises under the direct control and personal supervision of a responsible, qualified person.

C.03.011. A manufacturer shall notify the Minister promptly of changes in

- (a) responsible qualified personnel,
- (b) premises in which the drug is manufactured and process and conditions of manufacture therein.

C.03.012. Upon written request from the Director a manufacturer shall submit protocols of tests together with samples of any lot or master lot of any drug prior to its being sold, and no person shall sell any lot of which the protocol or sample fails to meet the requirements of these regulations.

C.03.013. No person shall manufacture a drug from animal tissue unless such tissue has been obtained from a healthy animal free from infectious disease.

C.03.014. The provisions of C.01.004 do not apply to a drug as defined in this DIVISION but every package of such drug shall carry

- (a) on both the inner and the outer labels
 - (i) the proper name of the drug as specified in the licence, and where there is a proprietary or brand name, the proper name shall immediately precede or follow the said proprietary or brand name in type of not less than one-half the size thereof,
 - (ii) the name of the manufacturer,
 - (iii) the potency of the drug,
 - (iv) the lot number,
 - (v) a complete list of the medicinal ingredients,
 - (vi) adequate directions for use, and
- (b) on the outer label
 - (i) the address of the manufacturer,
 - (ii) the Canadian licence number of the manufacturer,
 - (iii) the expiration date of the drug,
 - (iv) the name and amount of any preservative in the drug, and
 - (v) a statement of the net contents in terms of weight, measure, or number.

Liver Extract Injectable

C.03.030. Liver Extract Injectable shall be the soluble, thermostable fraction of mammalian liver that, when administered to persons affected with pernicious anaemia, produces a remission of the disorder.

Food and Drugs Act—continued

- C.03.031.** The Canadian Reference Standard for liver extract injectable shall be vitamin B₁₂ (cyanocobalamin) and shall be kept in the Food and Drug Laboratories from whence portions for comparative testing may be had upon application to the Director.
- C.03.032.** No person shall sell liver extract injectable to which has been added vitamin B₁₂ in any form.
- C.03.033.** No person shall sell liver extract injectable unless
- (a) each filling of each lot has been tested for potency by the official method, and
 - (b) both the inner and the outer labels carry a statement of the potency expressed in terms of vitamin B₁₂ (cyanocobalamin) which shall follow the name *liver extract injectable* without any intervening text or design.
- C.03.034.** No person shall sell liver extract injectable except in potencies equivalent to either 10 micrograms or 20 micrograms of vitamin B₁₂ (cyanocobalamin) per cubic centimetre.
- C.03.036.** Multiple dose containers of liver extract injectable shall contain a preservative.
- C.03.036.** The expiration date of liver extract injectable shall be not later than 18 months after the date of passing a potency test.
- C.03.037. Liver Extract Injectable with other medication** shall meet all the requirements of liver extract injectable and the true nature and amount of the added medication shall be stated on the label with observance of any requirement of these regulations in respect of such added medication, and the words *other medication* may be replaced by the proper name of such added medication.
- C.03.038. Liver Extract Injectable Crude** shall be that fraction of liver extract injectable obtained by stopping the process of extraction at such a stage that the final product is derived from an alcohol solution of a concentration not greater than 70 per cent by volume of ethyl alcohol.
- C.03.039.** The Canadian Reference Standard for liver extract injectable crude shall be vitamin B₁₂ (cyanocobalamin) and shall be kept in the Food and Drug Laboratories from whence portions for comparative testing may be had upon application to the Director.
- C.03.040.** No person shall sell liver extract injectable crude to which has been added vitamin B₁₂ in any form.
- C.03.041.** No person shall sell liver extract injectable crude unless
- (a) each filling of each lot has been tested for potency by the official method, and
 - (b) both the inner and the outer labels carry a statement of the potency expressed in terms of vitamin B₁₂ (cyanocobalamin) which shall follow the name *liver extract injectable crude* without any intervening text or design.
- C.03.042.** No person shall sell liver extract injectable crude except in potencies equivalent to either 1 microgram or 2 micrograms of vitamin B₁₂ (cyanocobalamin) per cubic centimetre.

Food and Drugs Act—continued

C.03.043. Multiple dose containers of liver extract injectable crude shall contain a preservative.

C.03.044. The expiration date of liver extract injectable crude shall be not later than 18 months after the date of passing a potency test.

C.03.045. Liver Extract Injectable Crude with other medication shall meet all the requirements of liver extract injectable crude and the true nature and amount of the added medication shall be stated on the label with observance of any requirement of these regulations in respect of such added medication, and the words *other medication* may be replaced by the proper name of such added medication.

Insulin

C.03.050. Insulin shall be the active principle of the pancreas that affects the metabolism of carbohydrates in the animal body and is of value in the treatment of *diabetes mellitus*.

C.03.051. The zinc-insulin crystals used in insulin preparations shall contain

- (a) not less than 22 International Units of insulin per milligram, and
- (b) on the dry basis not less than 0·30 per cent and not more than 0·90 per cent zinc,

as determined by the official method.

C.03.052. Insulin and Insulin made from Zinc-Insulin Crystals when prepared for parenteral use shall be a clear, colourless or almost colourless solution free from turbidity and from insoluble matter and shall contain, weight by volume,

- (a) not less than 0·1 per cent and not more than 0·25 per cent of either phenol or cresol, and
- (b) not less than 1·4 per cent and not more than 1·8 per cent glycerin, and for each 1,000 International Units of insulin,

as determined by the official method,

- (c) not more than 6·5 milligrams of nitrogen for insulin made from zinc-insulin crystals, and not more than 8·5 milligrams of nitrogen for insulin other than that made from zinc-insulin crystals,
- (d) not less than 0·10 milligram and not more than 0·40 milligram of zinc for insulin made from zinc-insulin crystals and not more than 0·40 milligram of zinc for insulin other than that made from zinc-insulin crystals, and
- (e) in the case of insulin, not more than 1·0 milligram of ash,

and shall have a pH of not less than 2·5 and not more than 3·5.

C.03.053. The unit of potency of insulin or of insulin made from zinc-insulin crystals shall be the International Unit.

C.03.054. Globin Insulin with Zinc shall be a solution of insulin modified by the addition of globin prepared from beef blood, in the form of globin hydrochloride, and zinc, and shall be a clear, colourless or almost colourless liquid free from insoluble matter and acceptably free from turbidity, and shall contain, weight by volume,

- (a) not less than 1·3 per cent and not more than 1·7 per cent glycerin,

Food and Drugs Act—continued

(b) either

(i) not less than 0·15 per cent and not more than 0·20 per cent cresol,

or

(ii) not less than 0·20 per cent and not more than 0·26 per cent phenol,

and for each 1,000 International Units of insulin, as determined by the official method,

(c) not more than 15·0 milligrams of total nitrogen,

(d) not less than 36·0 milligrams and not more than 40·0 milligrams of globin calculated as 6·0 times the nitrogen content of the globin, and

(e) not less than 2·5 milligrams and not more than 3·5 milligrams of zinc,

and shall have a pH of not less than 3·4 and not more than 3·8.

C.03.055. The globin hydrochloride used in preparing globin insulin with zinc shall contain not less than 16·0 per cent and not more than 17·5 per cent nitrogen calculated on a dry, ash-free, and hydrochloric acid-free basis, and the ash content shall not be more than 0·3 per cent as determined by the official method.

C.03.056. The protamine used in preparing NPH insulin and protamine zinc insulin shall be obtained from the sperm or from the mature testes of fish belonging to the family *Salmonidae*, genera *Oncorhynchus* Suckley, or *Salmo* Linne.

C.03.057. NPH Insulin, Isophane Insulin, shall be a preparation of crystals containing insulin, protamine and zinc, suspended in a buffered medium, and shall be a white suspension of rod-shaped crystals approximately 30 microns in length, and shall contain, weight by volume,

(a) not less than 0·15 per cent and not more than 0·25 per cent anhydrous di-sodium phosphate,

(b) either

(i) not less than 1·4 per cent and not more than 1·8 per cent glycerin and not less than 0·15 per cent and not more than 0·17 per cent meta-cresol and not less than 0·06 per cent and not more than 0·07 per cent phenol, or

(ii) not less than 0·42 per cent and not more than 0·45 per cent sodium chloride and not less than 0·7 per cent and not more than 0·9 per cent glycerin and not less than 0·18 per cent and not more than 0·22 per cent meta-cresol,

and for each 1,000 International Units of insulin, as determined by the official method,

(c) not more than 8·5 milligrams of nitrogen,

(d) not less than 3·0 milligrams and not more than 6·0 milligrams of protamine provided that the ratio of the protamine to the insulin shall be not less than the isophane ratio nor shall it exceed the isophane ratio by more than 10 per cent, and

(e) not less than 0·16 milligram and not more than 0·40 milligram of zinc,

and shall have a pH of not less than 7·1 and not more than 7·4.

Food and Drugs Act—continued

C.03.058. The isophane ratio means the minimum number of milligrams of the protamine required to precipitate 100 International Units of the insulin and shall be determined by an acceptable method.

C.03.059. Protamine Zinc Insulin shall be a white suspension containing insulin modified by the addition of protamine and zinc and shall be free from large particles following moderate agitation and shall contain, weight by volume,

- (a) not less than 0·15 per cent and not more than 0·25 per cent anhydrous di-sodium phosphate,
- (b) not less than 1·4 per cent and not more than 1·8 per cent glycerin,
- (c) either
 - (i) not less than 0·18 per cent and not more than 0·22 per cent cresol, or
 - (ii) not less than 0·22 per cent and not more than 0·28 per cent phenol,

and for each 1,000 International Units of insulin, as determined by the official method,

- (d) not more than 12·5 milligrams of total nitrogen,
 - (e) not less than 10·0 milligrams and not more than 15·0 milligrams of protamine, and
 - (f) not less than 2·0 milligrams and not more than 2·5 milligrams of zinc,
- and shall have a pH of not less than 7·1 and not more than 7·4.

C.03.060. The insulin used in the preparation of globin insulin with zinc, NPH insulin, and protamine zinc insulin shall be obtained from one or more master lots and shall be present in an amount sufficient to provide either 40 or 80 International Units of insulin for each cubic centimetre of the preparation.

C.03.061. The clear supernatant liquid obtained from NPH insulin and from protamine zinc insulin by centrifuging or by filtering shall contain not more than 1 International Unit of insulin per cubic centimetre when the potency of the insulin preparation is 40 units per cubic centimetre, and not more than 1·5 International Units of insulin per cubic centimetre when the potency of the insulin preparation is 80 units per cubic centimetre, as determined by the official method.

C.03.062. The Canadian Reference Standard for insulin, insulin made from zinc-insulin crystals, globin insulin with zinc and protamine zinc insulin means a standard adopted by the Director from whom portions and directions for comparative testing may be had upon application.

C.03.063. The biological reaction of globin insulin with zinc, and of protamine zinc insulin shall be comparable to that of the respective Canadian Reference Standard as determined by an acceptable method.

C.03.064. The potency of insulin, insulin made from zinc-insulin crystals, globin insulin with zinc, NPH insulin or protamine zinc insulin shall be expressed in units per cubic centimetre.

Food and Drugs Act—continued

C.03.065. Insulin, and insulin made from zinc-insulin crystals shall not be dispensed except

- (a) in vials of approximately 10 cubic centimetres capacity that shall contain an excess volume sufficient to permit withdrawal of 10 cubic centimetres, and
- (b) each cubic centimetre thereof shall provide
 - (i) 40 International Units of insulin, or
 - (ii) 80 International Units of insulin, or
 - (iii) 100 International Units of insulin.

C.03.066. Globin insulin with zinc, NPH insulin, and protamine zinc insulin shall not be dispensed except

- (a) in vials of approximately 10 cubic centimetre capacity that shall contain an excess volume sufficient to permit withdrawal of 10 cubic centimetres, and
- (b) each cubic centimetre thereof shall provide
 - (i) 40 International Units of insulin, or
 - (ii) 80 International Units of insulin.

C.03.067. The potency of insulin, or of insulin made from zinc-insulin crystals, as determined by the official method, shall be not less than 95 per cent and not more than 105 per cent of that stated on the label.

C.03.068. Both the inner and the outer labels of every package of each strength of the insulin preparation shall be printed as follows:

- (a) insulin, in
 - (i) black ink on yellow coloured stock for 40 units per cubic centimetre,
 - (ii) black ink on green coloured stock for 80 units per cubic centimetre, and
 - (iii) black ink on red coloured stock for 100 units per cubic centimetre,
- (b) insulin made from zinc-insulin crystals, in
 - (i) red ink on grey coloured stock for 40 units per cubic centimetre, and
 - (ii) green ink on brown coloured stock for 80 units per cubic centimetre,
- (c) globin insulin with zinc
 - (i) red ink on brown coloured stock for 40 units per cubic centimetre except that the expression *40 units per cubic centimetre* may be printed in white letters on a red background, and
 - (ii) green ink on brown coloured stock for 80 units per cubic centimetre except that the expression *80 units per cubic centimetre* may be printed in white letters on a green background,
- (d) NPH insulin
 - (i) red ink on blue coloured stock for 40 units per cubic centimetre, and
 - (ii) green ink on blue coloured stock for 80 units per cubic centimetre, and
- (e) protamine zinc insulin
 - (i) red ink on white stock for 40 units per cubic centimetre, and
 - (ii) green ink on white stock for 80 units per cubic centimetre.

Food and Drugs Act—continued

C.03.069. The outer label of every package containing an insulin preparation shall carry an instruction to keep in a cold place and avoid freezing.

C.03.070. The inner label of every package of NPH insulin and of protamine zinc insulin shall carry the statement "Shake carefully".

C.03.071. Each package of an insulin preparation shall contain a descriptive circular that includes

- (a) a statement that treatment of *diabetes mellitus* requires medical supervision and review, and that preparations containing insulin should be used only as determined by a physician for each patient in the light of blood-sugar and urinary-sugar findings, and that the physician's instructions concerning diet, dosage, rest, and exercise should be followed carefully,
- (b) an outline of a procedure to be followed in withdrawing the insulin preparation from the vial, including technique for sterilization of syringe and needle, vial-stopper and site of injection,
- (c) a statement explaining that injections should be subcutaneous, and not intravenous or intramuscular, and a caution against successive injections in any one site,
- (d) a statement that doses are specified in terms of *Units* and that the *volume* of each dose will depend upon the potency in terms of such units per cubic centimetre stated on the label of the product and that for these reasons it is important that the patient understands the markings on syringes,
- (e) a brief explanation of *hypoglycaemia* together with emergency measures suitable for use by patients and those caring for patients in the event of hypoglycaemic reactions,
- (f) a statement indicating the possibility of undesirable reactions associated with the omission or loss of a meal, illness, infection, and shortage of the insulin preparation,
- (g) a statement warning against using any other types of insulin than those prescribed by the physician,
- (h) a statement that use of a package should not be commenced after the expiration date printed on the package,
- (i) a statement that the contents should be used as continuously as practicable and that any vial from which a part of the contents has been withdrawn should be discarded in the event of its being in disuse for several weeks' time,
- (j) a statement stressing the importance of visiting a physician regularly and carefully following his instructions,
- (k) in the case of insulin, insulin made from zinc-insulin crystals, and globin insulin with zinc, a statement that if the contents of the vial become cloudy or turbid, use of that vial should be discontinued, and
- (l) in the case of NPH insulin and protamine zinc insulin, a statement explaining that it is necessary to shake the vial carefully before withdrawing a dose, noting that if the contents have become lumpy or granular in appearance or have formed a deposit of particles on the wall of the container, the use of that vial should be discontinued.

Food and Drugs Act—continued

C.03.072. The manufacturer shall submit to the Director, and in each case such submissions shall be acceptable to the Minister,

- (a) for each master lot of insulin or zinc-insulin crystals, employed in the manufacture of an insulin preparation
 - (i) protocols of assay of potency in International Units per cubic centimetre in the case of insulin and in International Units per milligram in the case of zinc-insulin crystals,
 - (ii) a report of the moisture content in per cent determined by drying to constant weight at 100°C. in the case of zinc-insulin crystals,
- and for each 1,000 International Units of insulin, reports of
- (iii) the nitrogen content in milligrams, and
 - (iv) the zinc content in milligrams,
- (b) for the master lot of globin hydrochloride used in the preparation of globin insulin with zinc, reports of
 - (i) the nitrogen content in per cent calculated on a dry, ash-free and hydrochloric acid-free basis,
 - (ii) the chloride content in per cent calculated as hydrochloride, and
 - (iii) the ash content in per cent,
 - (c) for the master lot of protamine, a report of the isophane ratio for the insulin used in the preparation of NPH insulin,
 - (d) for the components used in the preparation of the trial mixture of globin insulin with zinc, and protamine zinc insulin, a report on the quantity of
 - (i) the insulin in grams, or in International Units,
 - (ii) the zinc in grams, or in milligrams per 1,000 International Units of insulin,
 - (iii) in the case of globin insulin with zinc, the globin hydrochloride in grams, or in milligrams per 1,000 International Units of insulin, and
 - (iv) in the case of protamine zinc insulin, the protamine in grams, or in milligrams per 1,000 International Units of insulin,
 - (e) for the trial mixture of globin insulin with zinc, NPH insulin and protamine zinc insulin, a report of the determination of
 - (i) the nitrogen content in milligrams per cubic centimetre, or per 1,000 International Units of insulin,
 - (ii) the zinc content in milligrams per cubic centimetre, or per 1,000 International Units of insulin, and
 - (iii) the pH,
 - (f) in addition, for the trial mixture of
 - (i) globin insulin with zinc and protamine zinc insulin, protocols of the biological reaction showing the retardation of the insulin effect,
 - (ii) NPH insulin and protamine zinc insulin, protocols of assay of the insulin content in International Units per cubic centimetre of the supernatant fluid after removal of the suspended precipitate by centrifuging or filtering, and
 - (iii) NPH insulin, a report on the microscopic examination of the precipitate,

Food and Drugs Act—continued

- (g) for the first finished lot of insulin, insulin made from zinc-insulin crystals, globin insulin with zinc, NPH insulin or protamine zinc insulin from each master lot or trial mixture of the respective insulin preparation, a report on the amount of each component in the preparation, and
- (h) for the first filling of the first finished lot of insulin, or insulin made from zinc-insulin crystals, globin insulin with zinc, NPH insulin, and protamine zinc insulin from each master lot of the respective insulin
 - (i) a report of the nitrogen content in milligrams per cubic centimetre or 1,000 International Units,
 - (ii) a report of the zinc content in milligrams per cubic centimetre or 1,000 International Units,
 - (iii) at least 6 vials taken by random sampling, and
 - (iv) in addition in the case of NPH insulin, reports on the microscopic examination of the precipitate, and on the identification as determined by an acceptable method.

C.03.073. Insulin from a master lot, or insulin made from zinc-insulin crystals from a fluid master lot, shall be stored at a temperature between 0°C. and 15°C.

C.03.074. Notwithstanding C.03.065 (a) and (b), C.03.067, C.03.068 (a) and (b), and C.03.072 (h) (iii), *Insulin made from Zinc-Insulin Crystals* 500 International Units per cubic centimetre may be sold provided that

- (a) it is dispensed in vials of approximately 20 cubic centimetre capacity that shall contain an excess volume sufficient to permit withdrawal of 20 cubic centimetres,
- (b) both the inner and the outer labels are printed in black ink on white stock and overprinted in narrow brown and white diagonal stripes, of which there shall be at least five but not more than 20 to each inch,
- (c) both the inner and the outer labels carry the statement "Warning—High Potency—Not for Ordinary Use", and
- (d) each package contains a descriptive circular that includes
 - (i) at the beginning of the circular the statement "Warning—This insulin preparation contains 500 International Units of insulin in each cubic centimetre. Extreme caution must be observed in the measurement of the doses because inadvertent over-dose may result in irreversible shock. Serious consequences may result if it is used other than under constant medical supervision. Unless specifically prescribed, it should never be used by patients to replace use of any other insulin preparation",
 - (ii) a statement that *Insulin made from Zinc-Insulin Crystals* 500 International Units per cubic centimetre should not be administered intravenously,
 - (iii) a statement giving information for the safe and effective use by physicians of the drug in insulin shock therapy and in the treatment of diabetic patients with high insulin resistance (daily requirement more than 200 International Units),
 - (iv) a statement that this preparation should not be used after the expiration date shown on the outer label, and
 - (v) a statement that this preparation should not be used if the solution becomes viscous, discoloured, or other than water-clear.

Food and Drugs Act—continued

C.03.075. The expiration date printed on the outer label of every package of

- (a) insulin and of insulin made from zinc-insulin crystals shall be not later than two years after the date of removal for distribution from the manufacturer's place of storage,
- (b) NPH insulin, globin insulin with zinc shall be not later than 18 months after the date of filling of the immediate container, and
- (c) protamine zinc insulin shall be not later than two years after the date of filling of the immediate container.

Anterior Pituitary Extracts

C.03.175. Anterior pituitary extract shall include all natural products, prepared from the anterior lobe of the pituitary gland of animals, having physiological properties associated with the hormones of the anterior pituitary gland and their proper names shall be

- (a) **Adrenocorticotrophic Hormone, Corticotrophin,**
- (b) **Thyrotrophic Hormone, Thyrotrophin,**
- (c) **Growth Hormone Pituitary, Somatotrophin,**
- (d) **Lactogenic Hormone, Prolactin,**
- (e) **Gonadotrophic Hormone, Gonadotrophin,** followed by qualifying words to indicate the gonadotrophic activity associated with the extract,

and if unpurified anterior pituitary extract

- (f) **Pituitary Extract Anterior Lobe** followed by qualifying words to indicate the physiological properties associated with it.

C.03.176. Reference standards for anterior pituitary extract shall be

- (a) the International Standard,
- (b) where no International Standard exists, the Canadian Reference Standard shall be that established and kept by the Director from whom portions for comparative testing may be had upon application, and
- (c) where neither an International Standard nor a Canadian Reference Standard exists, a provisional reference standard that shall be a suitable quantity of the product submitted by the manufacturer to the Director for checking the uniformity of the product.

C.03.177. Both the inner and the outer labels of an anterior pituitary extract shall carry a statement of the potency in terms of the reference standard for anterior pituitary extract provided in C.03.176 as determined by an acceptable method.

C.03.178. Notwithstanding C.03.177, where no reference standard for an anterior pituitary extract exists the manufacturer shall include with every package of the anterior pituitary extract an acceptable statement of the unit of potency and the method of assay used.

C.03.179. No person shall sell as such adrenocorticotrophic hormone, thyrotrophic hormone, growth hormone pituitary, lactogenic hormone, or gonadotrophic hormone that is not acceptably free from any anterior pituitary extract other than the one for which it is named.

Food and Drugs Act—continued

C.03.180. The outer label of a mixture of two or more of adrenocorticotrophic hormone, thyrotrophic hormone, growth hormone pituitary, lactogenic hormone, or gonadotrophic hormone or a mixture of any of these with pituitary extract anterior lobe shall carry a declaration of the name and the amount of each component of the mixture.

C.03.181. The outer label of an anterior pituitary extract or mixture of anterior pituitary extracts shall carry a statement

- (a) showing the species of animal from which the glands used in the preparation of the anterior pituitary extract were obtained,
- (b) that it shall be stored at refrigerator temperature, and
- (c) that it is to be used only on the advice or on the prescription of a physician except in the case of adrenocorticotrophic hormone.

C.03.182. The expiration date for an anterior pituitary extract or mixture of anterior pituitary extracts shall be not more than two years after the date of passing a potency test.

Radioactive Isotopes

C.03.201. Radioactive isotopes shall include all substances having the property of emitting alpha or beta particles or gamma rays, and their proper names shall be the name of the respective atom showing its mass number and the compound in which it is combined.

C.03.202. The unit of activity of radioactive isotopes shall be expressed in terms of the International curie.

C.03.203. Both the inner and the outer labels of radioactive isotopes shall carry

- (a) a statement of the activity in International curies, and
- (b) a statement of the date when the labelled activity was measured.

C.03.204. No person shall ship radioactive isotopes unless they are packaged in such a manner that the hazard of handling is sufficiently reduced to satisfy the standards required by the regulations of the Board of Transport Commissioners.

DIVISION 4**Schedule D Drugs**

C.04.001. In this DIVISION

- (a) "date of manufacture" means
 - (i) in the case of a product for which a standard of potency exists, the date it satisfactorily passes a potency test,
 - (ii) in the case of an animal product for which no standard of potency exists, the date of its removal from the animal, and
 - (iii) in the case of a product other than an animal product for which no standard of potency exists, the date of cessation of growth,
- (b) "drug" means any drug mentioned or described in SCHEDULE D to the Act,

Food and Drugs Act—continued

- (c) "licence" or "Canadian licence" means the prescribed form and manner used by the Minister to indicate that the premises in which a drug was in whole or in part manufactured, and the process and conditions of manufacture therein are suitable to ensure that the drug is not unsafe for use, and
- (d) "manufacturer" means a person to whom a licence has been issued as provided in this DIVISION.

C.04.002. This DIVISION does not apply to a drug labelled for veterinary use only.

C.04.003. The date of issue of a drug shall be the date on which the finished product is removed from cold storage but in any case shall be, not later than

- (a) 6 months after the date of manufacture for a drug that has been kept constantly at a temperature not exceeding 10°C.,
- (b) 12 months after the date of manufacture for a drug that has been kept constantly at a temperature not exceeding 5°C., or
- (c) two years after the date of manufacture for a drug that has been kept constantly at a temperature not exceeding 0°C.

C.04.004. An application for a licence and for the renewal thereof shall be made on the form prescribed therefor in Appendix III and shall be accompanied by a fee of ten dollars payable to the Receiver General of Canada.

C.04.005. As a condition of the issuance and continuation of a licence, the Minister may require

- (a) inspection to be made at any time during normal business hours of
 - (i) the premises in which a drug, which is the subject of an application, is manufactured, and the process and conditions of manufacture therein,
 - (ii) the qualifications of technical staff concerned with the manufacture of the drug, and
 - (iii) the records relevant to the drug,
- (b) that the manufacturer shall supply, on request of the Minister, samples of any material used in the production of the drug and samples of the finished drug

to ensure that the drug will not be unsafe for use.

C.04.006. As a condition of the issuance and continuation of a licence the Minister may require a manufacturer who manufactures a drug outside Canada under a Canadian licence

- (a) to designate a representative in Canada,
- (b) to furnish the name and address of such representative who shall maintain satisfactory records of the distribution of the drug in Canada.

C.04.007. A licence shall be in the form prescribed therefor in Appendix III and shall expire on the 31st of March of each year.

C.04.008. The Minister may make a charge to cover the necessary living and travelling expenses of any inspector in connection with any inspection as required by these regulations.

Food and Drugs Act—continued

- C.04.009.** The Minister may refuse to issue a licence, or may cancel, or may suspend any licence so issued in whole, or as regards to any drug in respect of which it is issued, and may impose such conditions for the removal of such suspension or the reinstatement of the licence as he considers necessary to ensure that any drug for which the licence is issued will not be unsafe for use.
- C.04.010.** Every manufacturer shall keep records in a satisfactory form respecting the manufacture, testing, and distribution of each lot of a drug manufactured by him, giving the date of such manufacture, testing or distribution, and make these records available to the Minister on request.
- C.04.011.** The Minister may refuse to issue, or may cancel or suspend the licence of a manufacturer who does not maintain his premises under the direct control and personal supervision of a responsible, qualified person.
- C.04.012.** A manufacturer shall notify the Minister promptly of changes in
- (a) responsible qualified personnel,
 - (b) premises in which the drug is manufactured, and
 - (c) process and conditions of manufacture therein.
- C.04.013.** A manufacturer shall safely segregate all work with spore-bearing, pathogenic micro-organisms and other infectious agents known to require special precautions in manipulation and shall take such care of equipment and arrangements for supervision that the possibility of contamination of other drugs is avoided.
- C.04.014.** No manufacturer shall conduct laboratory procedures of a diagnostic nature in his premises unless such procedures are entirely segregated from the production of drugs.
- C.04.015.** Upon written request from the Director a manufacturer shall submit protocols of tests together with samples of any lot of any drug prior to its being sold, and no person shall sell any lot of which the protocol or sample fails to meet the requirements of these regulations.
- C.04.016.** All animals from which drugs are produced shall be
- (a) under the direct supervision of competent medical or veterinary personnel,
 - (b) kept in quarantine by the manufacturer for at least seven days before use, and
 - (c) healthy and free from infectious disease.
- C.04.017.** A manufacturer shall keep necropsy records of all animals that die or are killed after having been used in the production of a drug.
- C.04.018.** A manufacturer shall immediately segregate, and report the fact to the Minister, any animal with actual or suspected vesicular stomatitis, foot and mouth disease, encephalomyelitis, infectious anaemia, glanders, anthrax, tetanus or any other serious infectious disease.

Food and Drugs Act—continued

C.04.019. The provisions of C.01.004 do not apply to a drug as defined in this DIVISION but every package of such drug shall carry

- (a) on both the inner and the outer labels
 - (i) the proper name of the drug as specified in the licence, and where there is a proprietary or brand name, the proper name shall immediately precede or follow the said proprietary or brand name in type of not less than one-half the size thereof,
 - (ii) the name of the manufacturer,
 - (iii) the potency of the drug, where applicable,
 - (iv) the recommended dose of the drug,
 - (v) the lot number,
 - (vi) the expiration date except upon the inner label of a single-dose container, and
 - (vii) adequate direction for use, and
- (b) on the outer label
 - (i) the address of the manufacturer,
 - (ii) the Canadian licence number of the manufacturer,
 - (iii) the name and amount of any preservative in the drug,
 - (iv) a statement that the drug shall be stored at a temperature of not less than 2° C. and not more than 10° C., and
 - (v) a statement of the net contents in terms of weight, measure, or number.

Bacterial Vaccines, Products Analogous to Bacterial Vaccines

C.04.050. Except as provided in this DIVISION, a bacterial vaccine shall be a sterile suspension of killed cultures of bacteria, with or without the addition of other medication, and shall not include an autogenous vaccine.

C.04.051. No person shall sell a bacterial vaccine unless the culture that has been used in its preparation has been tested by an acceptable method for identity and purity and when so tested it shall be true to name and a pure strain, and a record of the culture shall be maintained which shall include a statement of its origin, properties and characteristics.

C.04.052. No manufacturer shall use a substrate (culture medium), in the production of a bacterial vaccine, that contains any horse meat or horse serum.

C.04.053. A manufacturer of a bacterial vaccine prepared from a bacterium that does not grow readily in ordinary culture media shall test its sterility in media which are specially favourable to the growth of such bacterium, and it shall be sterile.

C.04.054. Except as provided in C.04.083 and C.04.090, both the inner and the outer labels of every multiple-dose container and the outer label of every single-dose container of a bacterial vaccine shall carry a statement of

- (a) the number of bacteria per millilitre, or the weight of dried substance of bacteria per millilitre,
- (b) the number of bacteria per millilitre, or the weight of dried substance of bacteria per millilitre, of each species or immunogenic type for a vaccine that contains a number of different species or immunogenic types of bacteria,

Food and Drugs Act—continued

- (c) the exact nature and amount of any substance, other than a simple diluent, combined with such vaccine, and
 - (d) the recommended dose,
- and the inner label of a single-dose container shall carry a statement that it contains only one dose.

C.04.055. The expiration date of a bacterial vaccine shall be not later than 18 months after the date of manufacture or the date of issue.

Typhoid Vaccine

C.04.060. Cultures of *Salmonella typhosa* used in the preparation of typhoid vaccine shall be smooth, motile, and in the Vi form, with the following antigenic structure IX, XII, Vi; d.—.

C.04.061. No person shall sell any lot of typhoid vaccine unless such lot has been shown to meet a test for potency made by an acceptable method.

Whooping Cough Vaccine

C.04.065. A manufacturer shall use only strains of *Haemophilus pertussis* that meet the requirements of an antigenic test made by an acceptable method for the preparation of whooping cough (pertussis) vaccine.

C.04.066. No person shall sell any lot of whooping cough (pertussis) vaccine unless such lot has been shown to meet a test for potency made by an acceptable method.

B.C.G. (Bacille Calmette-Guerin) Vaccine

C.04.070. B.C.G. Vaccine shall be prepared from living B.C.G. organisms that

- (a) have been obtained directly from a source approved by the Director,
- (b) are proved to be non-pathogenic by an acceptable method, and
- (c) have a history of successful use in the production of B.C.G. vaccine.

C.04.071. No manufacturer shall employ any person in the manufacture of B.C.G. vaccine unless such person

- (a) has been and remains free from all forms of tuberculous infection,
- (b) undergoes every 6 months a medical examination, that shall include an X-ray examination of the chest, for the presence of tuberculosis, such examination being made by a qualified, practising physician who shall sign a certificate of such person's freedom from tuberculosis, and such certificate shall be kept on file and be available at all times, and
- (c) resides in a household that is at all times free from active tuberculosis,

nor shall a manufacturer employ such person in any other laboratory position.

C.04.072. The manufacture of B.C.G. vaccine shall be under the direct supervision of an experienced, medically qualified bacteriologist who has graduated in medicine from a university of recognized standing and who has

- (a) not less than three years postgraduate training in bacteriology and immunology,
- (b) specialized in the field of bacteriology, and

Food and Drugs Act—continued

(c) at least one year of practical experience in the manufacture of B.C.G. vaccine.

C.04.073. No manufacturer shall permit any culture that is not a B.C.G. culture to be at any time on any premises that are used for the manufacture of B.C.G. vaccine.

C.04.074. A manufacturer shall test by an acceptable method, immediately after filling of the final container, each lot of B.C.G. vaccine for the presence of contaminating micro-organisms and when so tested it shall be free therefrom.

C.04.075. Notwithstanding C.04.074 a fluid B.C.G. vaccine may be released for sale if no growth has appeared upon the test culture medium after an incubation of 24 hours, but if there is evidence of the presence of contaminating micro-organisms in any lot during the test period of 10 days the manufacturer shall at once recall such lot.

C.04.076. A manufacturer shall determine the number of viable B.C.G. organisms in each lot of vaccine by an acceptable method and shall keep a record of the number.

C.04.077. A manufacturer of B.C.G. vaccine shall keep, at a temperature not exceeding 5·0°C., and for not less than 6 months,
 (a) the culture on glycerine-water potato medium from which the Sauton I and Sauton II subcultures were made, and
 (b) not less than six vials of the final product
 from each lot thereof.

C.04.078. A manufacturer of B.C.G. vaccine shall keep, in form satisfactory to the Minister, continuous clinical records of the use of B.C.G. vaccine in humans.

C.04.079. A manufacturer of B.C.G. vaccine shall examine pathologically all test animals used and shall immediately report to the Minister any evidence of active, progressive tuberculosis in any such animals.

C.04.080. Notwithstanding C.04.055 the expiration date for fluid B.C.G. vaccine shall be not more than 10 days after harvesting.

C.04.081. No person shall sell fluid B.C.G. vaccine that is not packaged in containers sealed by fusion.

C.04.082. No inner label shall be required for B.C.G. vaccine in single-dose containers.

C.04.083. The label of B.C.G. vaccine shall carry, in lieu of the statements provided in C.04.054 (a) and (b), a statement of
 (a) the weight of bacteria per millilitre, and
 (b) the route of administration of the vaccine.

Products Analogous to Bacterial Vaccines

C.04.090. A product analogous to a bacterial vaccine shall be
 (a) a bacterial antigen, other than a bacterial vaccine, such as a lysate, or
 (b) an extract prepared from a bacterial culture,
 and shall conform to the requirements of these regulations for bacterial vaccines except those of paragraphs (a) and (b) of C.04.054.

Food and Drugs Act—continued

C.04.091. The expiration date of a product analogous to a bacterial vaccine shall be not later than 18 months after the date of manufacture or the date of issue, but for dried tuberculin and tuberculin containing at least 50 per cent glycerin the expiration date shall be not later than five years after the date of manufacture or the date of issue, and for all other tuberculins not more than 12 months after the date of manufacture or the date of issue.

Virus and Rickettsial Vaccines

C.04.100. A virus vaccine, rickettsial vaccine, shall be a suspension of, or prepared from, living or killed viruses or rickettsiae.

C.04.101. A manufacturer shall submit to the Minister for his approval at the time application for a licence is made to manufacture a virus or rickettsial vaccine details of the source of the strains of viruses or rickettsiae used, the method of their propagation, the method of manufacture of the vaccine, and the methods employed for determining sterility, safety, identity, potency, and any other tests required by these regulations.

C.04.102. Upon written request from the Director a manufacturer shall submit with respect to each lot of virus or rickettsial vaccine, when ready for sale, detailed protocols of sterility, safety, identity, potency, and of any other tests required by these regulations.

Smallpox Vaccine

C.04.110. Smallpox vaccine shall be a virus vaccine and shall be the living virus of vaccinia obtained from the vesicles produced in the skin of healthy calves by inoculation of vaccinia virus.

C.04.111. A manufacturer shall manufacture smallpox vaccine only in an independent unit that is so designed as to afford strict isolation from all other laboratory activities and in or about which no extraneous materials shall be permitted or stored.

C.04.112. A manufacturer shall exclude the personnel, who care for the vaccine animals, from horse stables and paddocks and from contact with horses while smallpox vaccine is being propagated.

C.04.113. A manufacturer shall dispense smallpox vaccine only in sterile glass containers that are sealed under aseptic conditions.

C.04.114. A manufacturer shall test smallpox vaccine for the presence of any gas-producing spore-forming anaerobic organism of any coagulose positive staphylococci, of any haemolytic streptococcus and it shall be free therefrom.

C.04.115. Smallpox vaccine shall not contain more than 500 viable non-pathogenic bacteria per millilitre when tested by an acceptable method.

C.04.116. Smallpox vaccine shall produce a confluent take when 0.05 millilitre of a 1 in 500 dilution is spread over 2 square inches of the scarified skin of a normal rabbit.

Food and Drugs Act—continued

C.04.117. No person shall sell smallpox vaccine unless the outer label carries a statement that it shall be stored at a temperature of not more than 5°C.

C.04.118. The expiration date of smallpox vaccine shall be not later than 3 months after the date of manufacture or the date of issue.

C.04.119. Notwithstanding the provisions of C.04.003 the date of issue of smallpox vaccine shall be not later than 9 months after the date of manufacture where the vaccine has been stored at a temperature below 0°C.

C.04.120. No inner label shall be required for smallpox vaccine in single-dose containers or when dispensed in capillary tubes.

C.04.121. No person shall sell smallpox vaccine to which an antibiotic has been added.

Bacteriophage

C.04.130. Bacteriophage shall be a virus preparation with specific lytic action against micro-organisms actually or potentially pathogenic.

C.04.131. The expiration date of bacteriophage shall be not later than 12 months after the date of manufacture or the date of issue.

Toxins, Toxoids

Schick Test Reagents

C.04.140. Schick test reagents for the diagnosis of susceptibility to diphtheria shall be

- (a) diphtheria toxin for Schick test,
- (b) Schick control, and
- (c) diphtheria toxin for Schick test with control.

C.04.141. Diphtheria toxin for Schick test shall be sterile diluted diphtheria toxin stabilized by an acceptable method.

C.04.142. Schick control shall be suitably diluted

- (a) diphtheria toxoid, or
- (b) sterile diphtheria toxin heated at a temperature of 95° C. for 5 minutes.

C.04.143. The human test dose of diphtheria toxin for Schick test, when aged toxin containing a preservative is used, shall be determined by

- (a) intracutaneous injection into normal guinea pigs in mixtures with different proportions of diphtheria antitoxin, and one test dose mixed with 1/750 or more of a unit of antitoxin must cause no local reaction but mixed with 1/1250 or less of a unit of antitoxin must cause a definite local reaction of the type known as the "positive Schick reaction", and
- (b) intracutaneous injection into normal guinea pigs without admixture with antitoxin, and 1/50 of one test dose must not cause, and 1/25 of one test dose must cause, a definite local reaction of the type known as the "positive Schick reaction".

Food and Drugs Act—continued

- C.04.144.** The human test dose of diphtheria toxin for Schick test, when fresh toxin containing no preservative is used, shall be determined by
- (a) intracutaneous injection into normal guinea pigs in mixtures with different proportions of diphtheria antitoxin, and one test dose mixed with 1/750 or more of a unit of antitoxin must cause no local reaction, but mixed with 1/1500 or less of a unit of antitoxin must cause a definite local reaction of the type known as the "positive Schick reaction"; and
 - (b) intracutaneous injection into normal guinea pigs without admixture with antitoxin, and 1/100 of one test dose must not cause, and 1/50 of one test dose must cause, a definite local reaction of the type known as the "positive Schick reaction".
- C.04.145.** The human test dose for the Schick control shall give a negative Schick reaction when injected intracutaneously into normal guinea pigs.
- C.04.146.** No person shall sell diphtheria toxin for Schick test unless both the inner and the outer labels carry a statement of the number of human test doses it contains together with the name of any stabilizer.
- C.04.147.** The expiration date of Schick test reagents for the diagnosis of susceptibility to diphtheria shall be not later than 12 months after the date of manufacture or the date of issue.

Diphtheria Toxoid

- C.04.160.** Liquid diphtheria toxoid shall be sterile, formalized, detoxified diphtheria toxin and shall not contain more than 0.02 per cent free formaldehyde.
- C.04.161.** Diphtheria toxoid alum precipitated shall be prepared from diphtheria toxoid, and shall not contain more than 15 milligrams of alum per human dose.
- C.04.162.** The alum used in the preparation of diphtheria toxoid alum precipitated shall contain not less than 99.5 per cent pure potassium alum, $\text{Al K}(\text{SO}_4)_2 \cdot 12\text{H}_2\text{O}$.
- C.04.163.** No manufacturer shall use a culture medium for the production of diphtheria toxin that contains horse protein or Witte peptone or that has not been freed as far as possible from any other allergenic ingredient.
- C.04.164.** Diphtheria toxin from which diphtheria toxoid is prepared shall have a toxicity, as indicated by an L+ dose, of not more than 0.20 millilitre or by an M.L.D. of not more than 0.0025 millilitre.
- C.04.165.** A manufacturer shall test each bulk container of diphtheria toxoid, before being dispensed into the final containers, for toxicity by an acceptable method, and it shall be non-toxic.
- C.04.166.** No person shall sell any lot of diphtheria toxoid unless such lot has been shown to meet a test for antigenicity made by an acceptable method.
- C.04.167.** A manufacturer shall fill diphtheria toxoid aseptically into clear glass containers and where preservative is not added shall seal the containers by fusion.

Food and Drugs Act—continued

C.04.168. No person shall sell diphtheria toxoid that contains phenol.

C.04.169. No person shall sell diphtheria toxoid unless both the inner and the outer labels carry a statement of the appropriate dose for purposes of immunization.

C.04.170. The expiration date of diphtheria toxoid shall be not later than two years after the date of manufacture or the date of issue.

Tetanus Toxoid

C.04.180. Liquid tetanus toxoid shall be sterile, formalized, detoxified tetanus toxin, and shall not contain more than 0·02 per cent free formaldehyde.

C.04.181. Tetanus toxoid alum precipitated shall be prepared from tetanus toxoid, and shall not contain more than 15 milligrams of alum per human dose.

C.04.182. The alum used in the preparation of tetanus toxoid alum precipitated shall contain not less than 99·5 per cent pure potassium alum, $\text{Al K}(\text{SO}_4)_2 \cdot 12\text{H}_2\text{O}$.

C.04.183. No manufacturer shall use a culture medium for the production of tetanus toxin that contains horse protein or Witte peptone or that has not been freed as far as possible from any other allergenic ingredient.

C.04.184. Tetanus toxin from which tetanus toxoid is prepared shall have a toxicity as indicated by an M.L.D. for the guinea pig of not more than 0·0001 millilitre.

C.04.185. A manufacturer shall test each bulk container of tetanus toxoid, before being dispensed into the final containers, for toxicity by an acceptable method, and it shall be non-toxic.

C.04.186. No person shall sell any lot of tetanus toxoid unless such lot has been shown to meet a test for antigenicity made by an acceptable method.

C.04.187. No person shall sell tetanus toxoid unless both the inner and the outer labels carry a statement of the appropriate dose for purposes of immunization.

C.04.188. A manufacturer shall fill tetanus toxoid aseptically into clear glass containers and where a preservative is not added shall seal the container by fusion.

C.04.189. No person shall sell tetanus toxoid that contains phenol.

C.04.190. The expiration date of tetanus toxoid shall be not later than two years after the date of manufacture or the date of issue.

Antitoxins, Antisera

C.04.210. An antitoxin or antiserum shall be the serum or fraction thereof separated from the blood of animals that have been artificially immunized against the by-products or antigenic fractions of specific cultures of micro-organisms, or against specific venoms.

Food and Drugs Act—continued

- C.04.211.** The potency of an antitoxin or antiserum shall be determined by an acceptable method and where applicable the unit of potency shall be the International Unit.
- C.04.212.** Liquid diphtheria antitoxin shall have a potency of not less than 500 International Units per millilitre.
- C.04.213.** Liquid tetanus antitoxin shall have a potency of not less than 400 International Units per millilitre.
- C.04.214.** A liquid antitoxin or antiserum shall contain not more than 20 per cent solids.
- C.04.215.** A dried antitoxin shall be prepared from a liquid antitoxin and, when reconstituted to the original volume of the liquid antitoxin, shall have a potency not less than that prescribed for such liquid antitoxin.
- C.04.216.** A dried antitoxin or antiserum shall not contain more than 1 per cent moisture when determined by an acceptable method.
- C.04.217.** Each lot of antitoxin or antiserum shall be tested by an acceptable method for pyrogenicity and it shall be pyrogen-free, and, after filling into the final containers, for identity and it shall be true to name.
- C.04.218.** No person shall sell an antitoxin or antiserum unless both the inner and the outer labels carry a statement of the species of animal used, when other than the horse, and the net contents in millilitres or the number of units in the container.
- C.04.219.** The expiration date shall be
- (a) for liquid antitoxins with standards of potency
 - (i) not later than 12 months after the date of manufacture or the date of issue for those with a 20 per cent excess of potency,
 - (ii) not later than two years after the date of manufacture or the date of issue for those with a 30 per cent excess of potency,
 - (iii) not later than three years after the date of manufacture or the date of issue for those with a 40 per cent excess of potency, and
 - (iv) not later than four years after the date of manufacture or the date of issue for those with a 50 per cent excess of potency,
 - (b) for liquid antitoxins with no standards of potency, not later than 12 months after the date of manufacture or the date of issue,
 - (c) for liquid antidysentery serum, not later than 18 months after the date of manufacture or the date of issue,
 - (d) for any other liquid antiserum not later than 12 months after the date of manufacture or the date of issue, and
 - (e) for dried antitoxin and dried antiserum not later than five years after the date of manufacture or the date of issue.

Preparations from Human Sources

- C.04.230.** Preparations from human sources shall be pooled blood plasma, or pooled blood serum, or fractions of either separated by an acceptable method.
- C.04.231.** A manufacturer shall obtain human serum, or human plasma, only from a person certified by a qualified medical practitioner to be healthy.

Food and Drugs Act—continued

- C.04.232.** A manufacturer shall not use a person to serve as a donor of blood, placenta, or cord who has a history of a disease transmissible by blood transfusion including syphilis, infectious hepatitis, or malaria.
- C.04.233.** The operation of drawing blood from a donor shall be under the supervision of a qualified medical practitioner, and shall be carried out in a suitable bleeding room under the control of the manufacturer.
- C.04.234.** A manufacturer shall obtain human placenta and cord used in the manufacture of preparations from human sources only from women confined in public hospitals, and the donor of such placenta and cord shall have been free from the toxæmias of pregnancy, and the placenta and cord shall not show gross evidence of any pathological condition.
- C.04.235.** Dried human serum, dried human plasma, or dried fractions of either, shall not contain more than 1 per cent moisture when determined by an acceptable method.
- C.04.236.** A manufacturer shall provide directions or means for the removal of particles of such size as to be dangerous to the recipient from preparations from human sources that are issued in fluid form or that are reconstituted from the dried form.
- C.04.237.** A manufacturer of preparations from human sources shall maintain complete records of all donors, which records shall include the medical certificate required by C.04.231.
- C.04.238.** A manufacturer may issue human serum, or human plasma, or fractions of either of these for prophylactic or therapeutic use in any of the following forms
- (a) immune human serum, which shall be serum separated from the blood of persons recovered from the disease for which the serum is intended as a prophylactic or therapeutic agent,
 - (b) immune human globulins, or other immune human serum fractions, which shall be prepared from immune human serum or plasma,
 - (c) normal human serum, or normal human plasma, or fractions of either of these prepared from the blood of normal individuals, and
 - (d) dried products prepared from any of these.
- C.04.239.** No person shall sell a preparation from human sources unless both the inner and the outer labels clearly indicate that the preparation is derived from human sources.
- C.04.240.** The expiration date for preparations from human sources issued in fluid form shall be not later than 18 months after the date of manufacture or the date of issue, and for those issued in dried form, not later than five years after the date of manufacture or the date of issue.
- C.04.241.** The date of manufacture of preparations from human sources shall be the date of bleeding the donor.

Antibiotics for Parenteral Use

- C.04.300.** Antibiotics for parenteral use shall meet the standards for antibiotics provided in C.01.410 to C.01.592 where applicable.

Food and Drugs Act—continued

C.04.301. The provisions of C.01.004 and C.04.019 do not apply to an antibiotic prepared for parenteral use, but every package of such antibiotic shall carry

- (a) on both the inner and the outer labels
 - (i) the proper name of the drug as specified in the licence, and where there is a proprietary or brand name, the proper name shall immediately precede or follow the said proprietary or brand name in type of not less than one-half the size thereof.
 - (ii) the name of the manufacturer or distributor,
 - (iii) the potency of the drug expressed in terms of International Units where established, or, if no International Unit has been established, in terms of units, milligrams or fractions of a gram, per gram in the case of solids or viscous liquids, per millilitre in the case of other liquids, or per individual dosage or dispensing form for antibiotic preparations put up in individual dosage or dispensing form,
 - (iv) the manufacturer's lot number,
 - (v) the expiration date, and
 - (vi) adequate directions for use, and
- (b) on the outer label
 - (i) the address of the manufacturer or distributor,
 - (ii) the Canadian licence number of the manufacturer of the final product,
 - (iii) the name and amount of any preservative in the drug, and
 - (iv) a correct statement of the contents in terms of weight, measure, or number.

DIVISION 5

Schedule E Drugs

C.05.001. Organic compounds of arsenic and analogous preparations include

- (a) **Dichlorophenarsine Hydrochloride,**
- (b) **Neoarsphenamine,**
- (c) **Oxophenarsine Hydrochloride,** and
- (d) **Sulpharsphenamine.**

DICHLOROPHENARSINE HYDROCHLORIDE

$\text{C}_6\text{H}_6\text{AsCl}_2\text{NO}$, HCl

Mol. Wt. 290.4

C.05.010. Dichlorophenarsine Hydrochloride shall be 3-amino-4-hydroxyphenyl-dichlorarsine hydrochloride, and, when dried in a vacuum desiccator over phosphorus pentoxide for 24 hours, shall contain not less than 25.3 per cent and not more than 27 per cent total arsenic, trivalent arsenic equivalent to not less than 97 per cent of the total arsenic, and a chlorine content determined as chloride of not less than 35.5 per cent and not more than 37 per cent, as determined by the official method, and the tests for its purity are

- (a) *Loss on drying*,—when dried in a vacuum desiccator over fresh phosphorus pentoxide for 24 hours, dichlorophenarsine hydrochloride or mixtures containing dichlorophenarsine hydrochloride lose not more than 0.5 per cent,
- (b) *Solubility*,—dichlorophenarsine hydrochloride, both before and after being subjected to the thermostability test, is completely soluble in water as a 1 per cent solution, when tested by the official method,

Food and Drugs Act—continued

- (c) *Thermostability*,—when tested for thermostability by the official method, no marked change in colour, consistency, or solubility is found, and
- (d) *Toxicity*,—the toxicity shall be equivalent to that of the Canadian Standard Dichlorophenarsine Hydrochloride as determined by the official method.

C.05.011. Dichlorophenarsine hydrochloride shall be stored in a cool place, preferably not above 20°C., in hermetically sealed containers of colourless glass that have been sterilized prior to filling, and from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

C.05.012. Mixtures of dichlorophenarsine hydrochloride with buffering agents and substances for rendering its solution physiologically compatible with human blood shall contain total arsenic equivalent to not less than 92·5 per cent and not more than 107·5 per cent of the labelled amount of dichlorophenarsine hydrochloride; such mixtures shall meet the tests for completeness of solubility required by C.05.010 (b), and shall be stored as directed in C.05.011.

C.05.013. Every manufacturer of dichlorophenarsine hydrochloride shall submit a sample of each lot of dichlorophenarsine hydrochloride manufactured by him to the Director, which sample shall consist of

- (a) not less than 10 sealed ampoules of the product as completed for issue, taken by random sampling from the whole lot, and shall, in no case, consist of less than 0·6 gram of the product, and
- (b) 2 ampoules of 1 gram each of pure dichlorophenarsine hydrochloride,

and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of

- (c) arsenic content, total and trivalent,
- (d) chlorine content,
- (e) moisture, and
- (f) toxicity.

C.05.014. Upon written request from the Director a manufacturer of dichlorophenarsine hydrochloride shall submit clinical evidence of the safety of any lot of dichlorophenarsine hydrochloride manufactured by him.

C.05.015. No manufacturer shall sell any dichlorophenarsine hydrochloride from a lot that has not been released by the Director.

C.05.016. Every manufacturer shall keep records in a satisfactory form respecting the manufacture, testing, and distribution of each lot of dichlorophenarsine hydrochloride manufactured by him, giving the date of such manufacture, testing or distribution, and make these records available to the Minister on request.

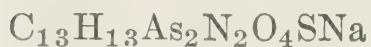
C.05.017. Both the inner and the outer labels of dichlorophenarsine hydrochloride shall carry

- (a) the quantity in grams of dichlorophenarsine hydrochloride per ampoule,
- (b) the lot number,

Food and Drugs Act—continued

- (c) the expiration date, that shall be not later than three years after the date of release by the Director,
- (d) the names of any admixed substances, except on the inner label of single-dose containers, and
- (e) where the container is a multiple-dose container, a statement of that fact.

C.05.018. No person shall import or sell any lot of dichlorophenarsine hydrochloride prepared for parenteral use unless the lot conforms to the requirements of C.05.010 to C.05.017.

NEOARSPHENAMINE

Mol. Wt. 466.1

C.05.020. Neoarsphenamine shall be the sodium salt of 3,3'-diamino-4,4'-dihydroxyarsenobenzene-N-methanal sulphonylate that shall contain not less than 18 per cent and not more than 21 per cent arsenic, when determined by the official method, and the tests for its purity are

- (a) *Loss on drying*,—when dried for 24 hours in a vacuum desiccator over fresh *phosphorus pentoxide*, neoarsphenamine loses not more than 1.5 per cent,
- (b) *Solubility*,—add 0.6 gram neoarsphenamine to 6 millilitres of *water* in a test tube and gently rotate the mixture: a complete solution results in 5 minutes,
- (c) *Thermostability*,—when tested for thermostability by the official method, no change in colour, consistency, or solubility is found, and
- (d) *Toxicity*,—the toxicity is not greater than that of the International Reference Standard Neoarsphenamine as determined by the official method.

C.05.021. Neoarsphenamine shall be stored in a cool place, preferably not above 20° C., in hermetically sealed containers of colourless glass that have been sterilized prior to filling and from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

C.05.022. Every manufacturer of neoarsphenamine shall submit a sample of each lot of neoarsphenamine manufactured by him to the Director, which sample shall consist of not less than 8 sealed ampoules of the product as completed for issue, taken by random sampling from the whole lot, and shall, in no case, consist of less than 7.2 grams of the product, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of

- (a) arsenic content,
- (b) moisture, and
- (c) toxicity.

C.05.023. Upon written request from the Director a manufacturer of neoarsphenamine shall submit clinical evidence of the safety of any lot of neoarsphenamine manufactured by him.

C.05.024. No manufacturer shall sell any neoarsphenamine from a lot that has not been released by the Director.

Food and Drugs Act—continued

C.05.025. Every manufacturer shall keep records in a satisfactory form respecting the manufacture, testing, and distribution of each lot of neoarsphenamine manufactured by him, giving the date of such manufacture, testing or distribution, and make these records available to the Minister on request.

C.05.026. Both the inner and the outer labels of neoarsphenamine shall carry

- (a) the quantity in grams of neoarsphenamine per ampoule,
- (b) the lot number,
- (c) the expiration date, that shall be not later than four years after the date of release by the Director, and
- (d) where the container is a multiple-dose container, a statement of that fact.

C.05.027. No person shall import or sell any lot of neoarsphenamine prepared for parenteral use unless the lot conforms to the requirements of C.05.020 to C.05.026.

OXOPHENARSINE HYDROCHLORIDE

$C_6H_6AsNO_2, HCl$

Mol. Wt. 235.5

C.05.030. Oxophenarsine Hydrochloride shall be 3-amino-4-hydroxy-phenylarsenoxide hydrochloride, and, when dried in a vacuum desiccator over *phosphorus pentoxide* for 24 hours, shall contain not less than 30 per cent and not more than 32 per cent total arsenic, trivalent arsenic equivalent to not less than 97 per cent of the total arsenic, and a chlorine content determined as chloride of not less than 14.8 per cent and not more than 16 per cent, when determined by the official method, and the tests for its purity are

- (a) *Loss on drying*,—when dried in a vacuum desiccator over fresh *phosphorus pentoxide* for 24 hours, oxophenarsine hydrochloride loses not more than 1.0 per cent; and mixtures containing oxophenarsine hydrochloride similarly tested lose not more than 0.5 per cent,
- (b) *Solubility*,—oxophenarsine hydrochloride, both before and after being subjected to the thermostability test, is completely soluble in *water* as a 1 per cent solution, when tested by the official method,
- (c) *Thermostability*,—when tested for thermostability by the official method, no marked change in colour, consistency, or solubility is found, and
- (d) *Toxicity*,—the toxicity shall be equivalent to that of the Canadian Reference Standard Oxophenarsine Hydrochloride as determined by the official method.

C.05.031. Oxophenarsine hydrochloride shall be stored in a cool place, preferably not above 20° C., in hermetically sealed containers of colourless glass that have been sterilized prior to filling and from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

C.05.032. Mixtures of oxophenarsine hydrochloride with buffering agents and substances for rendering its solution physiologically compatible with human blood shall contain total arsenic equivalent to not less than 92.5 per cent and not more than 107.5 per cent of the

Food and Drugs Act—continued

labelled amount of oxophenarsine hydrochloride; such mixtures shall meet the specifications for oxophenarsine hydrochloride with respect to tests for completeness of solubility required by C.05.030 (b), and shall be stored as directed in C.05.031.

C.05.033. Every manufacturer of oxophenarsine hydrochloride shall submit a sample of each lot of oxophenarsine hydrochloride manufactured by him to the Director, which sample shall consist of

- (a) not less than 10 sealed ampoules of the product as completed for issue, taken by random sampling from the whole lot, and shall, in no case, consist of less than 0.6 gram of the product, and
- (b) 2 ampoules of 1 gram each of pure oxophenarsine hydrochloride, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of
- (c) arsenic content, total and trivalent,
- (d) moisture, and
- (e) toxicity.

C.05.034. Upon written request from the Director a manufacturer of oxophenarsine hydrochloride shall submit clinical evidence of the safety of any lot of oxophenarsine hydrochloride manufactured by him.

C.05.035. No manufacturer shall sell any oxophenarsine hydrochloride from a lot that has not been released by the Director.

C.05.036. Every manufacturer shall keep records in a satisfactory form respecting the manufacture, testing, and distribution of each lot of oxophenarsine hydrochloride manufactured by him, giving the date of such manufacture, testing or distribution, and make these records available to the Minister on request.

C.05.037. Both the inner and the outer labels of oxophenarsine hydrochloride shall carry

- (a) the quantity in grams of oxophenarsine hydrochloride per ampoule.
- (b) the lot number,
- (c) the expiration date, that shall be not later than three years after the date of release by the Director,
- (d) the names of any admixed substances, except on the inner label of single-dose containers, and
- (e) where the container is a multiple-dose container, a statement of that fact.

C.05.038. No person shall import or sell any lot of oxophenarsine hydrochloride prepared for parenteral use unless the lot conforms to the requirements of C.05.030 to C.05.037.

SULPHARSPHENAMINE

Mol. Wt. 598.2

C.05.040. Sulpharsphenamine shall be the di-sodium salt of 3,3'-diamino-4,4'-dihydroxyarsenobenzene-N-methylene sulphurous acid and shall contain not less than 18 per cent and not more than 21 per cent arsenic as determined by the official method, and the tests for its purity are

- (a) *Loss on drying*,—when dried for 24 hours in a vacuum desiccator over fresh *phosphorus pentoxide*, sulpharsphenamine loses not more than 2.5 per cent,

Food and Drugs Act—continued

- (b) *Solubility*,—add progressively 0·6 gram of sulpharsphenamine to 6 millilitres of *water* in a test tube or small cylinder and gently rotate the mixture: complete solution results in not more than 5 minutes,
- (c) *Thermostability*,—when tested for thermostability by the official method, no marked change in colour, consistency, or solubility is found, and
- (d) *Toxicity*,—the toxicity is not greater than that of the International Reference Standard Sulpharsphenamine as determined by the official method.

C.05.041. Sulpharsphenamine shall be stored in a cool place, preferably not above 20°C., in hermetically sealed containers of colourless glass that have been sterilized prior to filling and from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

C.05.042. Every manufacturer of sulpharsphenamine shall submit a sample of each lot of sulpharsphenamine manufactured by him to the Director, which sample shall consist of not less than 5 sealed ampoules of the product as completed for issue, taken by random sampling from the whole lot, and shall, in no case, consist of less than 7·2 grams of the product, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of

- (a) arsenic content,
- (b) moisture, and
- (c) toxicity.

C.05.043. Upon written request from the Director a manufacturer of sulpharsphenamine shall submit clinical evidence of the safety of any lot of sulpharsphenamine manufactured by him.

C.05.044. No manufacturer shall sell any sulpharsphenamine from a lot that has not been released by the Director.

C.05.045. Every manufacturer shall keep records in a satisfactory form respecting the manufacture, testing, and distribution of each lot of sulpharsphenamine manufactured by him, giving the date of such manufacture, testing or distribution, and make these records available to the Minister on request.

C.05.046. Both the inner and the outer labels of sulpharsphenamine shall carry

- (a) the quantity in grams of sulpharsphenamine per ampoule,
- (b) the lot number,
- (c) the expiration date, that shall be not later than five years after the date of release by the Director, and
- (d) where the container is a multiple-dose container, a statement of that fact.

C.05.047. No person shall import or sell any lot of sulpharsphenamine prepared for parenteral use unless the lot conforms to the requirements of C.05.040 to C.05.046.

Food and Drugs Act—continued

DIVISION 6

Canadian Standard Drugs

Digitalis	Injection of Digoxin
Digitoxin	Injection of Lanatoside C
Digoxin	Lanatoside C
Epinephrine	Pituitary Extract (Posterior Lobe)
Epinephrine Hydrochloride Solution	Powdered Digitalis
Gelatin	Thyroid
Injection of Digitalis	Tincture of Digitalis
Injection of Digitoxin	Vitamin B ₁₂ with Intrinsic Factor Concentrate

*General***C.06.001.** In this DIVISION

- (a) solubility and specific gravity shall be determined at 25°C.,
- (b) reagents or solutions the names of which are printed in italics refer to reagents or solutions used in tests that are included in the ANNEX to this DIVISION or that are described in Appendix I of the British Pharmacopoeia,
- (c) tests for identity, quantitative tests for arsenic, lead, copper, zinc, fluorine, and sulphur dioxide, and limit tests shall be made by the official methods, and
- (d) determination of physical and chemical constants, and of ash shall be carried out by the official methods.

DIGITALIS

C.06.100. Digitalis, Digitalis Leaf, Digitalis Leaves shall be the leaf of *Digitalis purpurea* L., rapidly dried at a temperature between 55°C. and 60°C. as soon as possible after collection, and its potency shall not be less than 10 International Units per gram, and

- (a) its characters are
 - (i) *Macroscopic*,—digitalis consists of more or less crumpled or broken leaves, usually dark green on the upper surface and greyish on the under surface owing to pubescence, and with the larger veins frequently purplish; as a rule they vary from 10 to 30 centimetres in length and from 4 to 10 centimetres in width; in shape, they vary from ovate-lanceolate to broadly ovate, and petiolate; they have an irregularly crenate or serrate margin, decurrent at the base and subacute at the apex; the upper surface is hairy, the under surface densely pubescent and the veinlets reticulate,
 - (ii) *Microscopic*,—the upper epidermis has slightly wavy vertical walls, with few or no stomata; the under epidermis is similar, but with numerous stomata and many hairs; over irregular areas, especially near the veins, the hairs are frequently not attached to the cell structure within; the hairs are simple, usually 3 to 5 cells in length, bluntly pointed and finely wavy; the glandular hairs consist usually of a unicellular pedicel bearing a one-celled or two-celled head; the chlorenchyma consists of a single layer of palisade cells and several layers of spongy parenchyma; there are numerous fibro-vascular bundles in the larger veins and in the petiole, separated by medullary rays one cell wide; the tracheae are annular, reticulate, or spiral; calcium oxalate and sclerenchymatous elements are absent, and

Food and Drugs Act—continued

- (iii) digitalis has a slight odour when dry, but peculiar and characteristic when moistened; and a decidedly bitter taste, and
- (b) the tests for its purity are
 - (i) *Loss on drying*,—when dried at 100°C., digitalis loses not more than 6 per cent,
 - (ii) *Acid-insoluble ash*,—the acid-insoluble ash of digitalis does not exceed 5 per cent, and
 - (iii) *Foreign organic matter*,—digitalis does not contain more than 2 per cent foreign organic matter, including stems, browned leaves, or flowers.

C.06.101. Digitalis shall be

- (a) assayed by the official method, and
- (b) stored to prevent access of moisture in a tightly-closed container that includes where necessary a device containing a non-liquefying, inert, dehydrating substance to control the humidity.

Preparations: Powdered Digitalis

Tincture of Digitalis

NOTE: When Digitalis, Digitalis Folia, Digitalis Folium, or Pulvis Digitalis is prescribed, Powdered Digitalis shall be dispensed.

DIGITOXIN

C.06.120. Digitoxin shall be either pure digitoxin ($C_{41}H_{64}O_3$) or a mixture of cardioactive glycosides that consist chiefly of digitoxin obtained from *Digitalis purpurea* L., and shall correspond in potency to the Canadian Standard Digitoxin, and

- (a) its characters are
 - (i) *Description*,—digitoxin is a white or pale buff, odourless, microcrystalline powder, and
 - (ii) *Solubility*,—digitoxin is insoluble in *water* and very slightly soluble in *ether*, and 1 gram dissolves in
 - (1) approximately 10 millilitres of *chloroform*, and
 - (2) approximately 60 millilitres of *alcohol (95 per cent)*,
- (b) the test for its identity is: add 0.5 millilitre of *test-solution of ferric chloride* to 100 millilitres of *glacial acetic acid*, and mix well; dissolve about 1 milligram of digitoxin in 2 millilitres of this solution and underlay it with 2 millilitres of *sulphuric acid*: a brown colour is produced at the zone of contact of the two liquids which gradually changes to light green, then to blue, and finally the entire acetic acid layer acquires a blue colour, and
- (c) the tests for its purity are
 - (i) *Completeness of solution in chloroform*,—frequently agitate 100 milligrams of digitoxin with 5 millilitres of *chloroform* in a tightly stoppered cylinder: the digitoxin dissolves completely within 24 hours with or without opalescence,
 - (ii) *Digitonin*,—dissolve 10 milligrams of digitoxin in 2 millilitres of *alcohol (95 per cent)* in a test tube the inner wall of which is free from scratches, add 2 millilitres of *solution of cholesterol*, and mix by gentle agitation: no precipitate is formed within 10 minutes,
 - (iii) *Loss on drying*,—when dried at 100°C. for 2 hours digitoxin loses not more than 1 per cent, and
 - (iv) *Ash*,—when incinerated, digitoxin leaves not more than 0.05 per cent ash.

Food and Drugs Act—continued**C.06.121.** Digitoxin shall be

- (a) assayed by the official method, and
- (b) stored in tightly closed containers.

C.06.122. Both the inner and the outer labels of digitoxin shall carry

- (a) the number of milligrams of digitoxin and an equivalent statement of the strength in terms of the digitalis leaf per tablet or other individual dosage or dispensing form, and
- (b) the lot number.

DIGOXIN

Mol. Wt. 780·9

C.06.130. Digoxin shall be a glycoside obtained from the leaves of *Digitalis lanata* Ehrh., and shall correspond in potency to Canadian Standard Digoxin, and

(a) its characters are

- (i) *Description*,—digoxin occurs as colourless to white crystals or as a white crystalline powder that is odourless, and melts indistinctly, and with decomposition, at approximately 265°C.,

(ii) *Solubility*,—digoxin is insoluble in

- (1) *water*,
- (2) *chloroform*,
- (3) *ether*, but

freely soluble in *pyridine* and soluble in *alcohol* (50 per cent), and

- (iii) *Specific rotation*,—the specific rotation, α_D^{25} , of digoxin determined in a solution in *anhydrous pyridine* containing 1 gram of digoxin in 10 millilitres of solution, using a mercury light at 546 mμ and a 200-millimetre tube, is between 13·4° and 13·8°,

- (b) the test for its identity is: add 0·5 millilitre of *test-solution of ferric chloride* to 100 millilitres of *glacial acetic acid* and mix well; dissolve about 1 milligram of digoxin in 2 millilitres of this solution and underlay with 1 millilitre of *sulphuric acid*: a brown ring, free from red, is produced at the junction of the two liquids; after some time the acetic acid layer acquires a blue colour, and

(c) the tests for its purity are

- (i) *Loss on drying*,—when dried at 60°C. in vacuum over *sulphuric acid*, digoxin loses not more than 0·5 per cent, and
- (ii) *Ash*,—when incinerated, digoxin leaves not more than 0·05 per cent ash.

C.06.131. Digoxin shall be

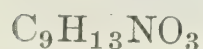
- (a) assayed by the official method, and
- (b) stored in tightly-closed containers, protected from light.

C.06.132. Both the inner and the outer labels of digoxin shall carry

- (a) the number of milligrams of digoxin per tablet or other individual dosage or dispensing form, and
- (b) the lot number.

Food and Drugs Act—continued

EPINEPHRINE



Mol. Wt. 183.2

C.06.140. Epinephrine shall be *l*- α -3,4-dihydroxyphenyl- β -methyl amino-ethanol, and

(a) its characters are

- (i) *Description*,—epinephrine occurs as a white or light brownish, microcrystalline, odourless powder, gradually darkening on exposure to air or light and its solutions are slightly alkaline to *litmus* and turn brown on exposure to light,
- (ii) *Solubility*,—epinephrine is
 - (1) very slightly soluble in
 - (a) *water*, and
 - (b) *alcohol* (95 per cent), and
 - (2) insoluble in
 - (a) *ether*,
 - (b) *chloroform*, and
 - (c) fixed and volatile oils, and
- (iii) *Specific rotation*,—the *specific rotation*, α_D^{25} , of epinephrine is between -50° and -53.5° and is determined using a solution obtained by dissolving 1 gram of epinephrine, previously dried over *sulphuric acid* to constant weight, in sufficient *N/2 hydrochloric acid* to make 20 millilitres at 25°C ., and using a 200-millimetre tube,

(b) the tests for its identity are

- (i) add *test-solution of ferric chloride* to a slightly acid solution of epinephrine (1:1,000): an emerald green colour is produced which changes to cherry red and finally to brown on standing, and
- (ii) other oxidizing agents produce red, pink, or violet colours which change to brown, and

(c) the tests for its purity are

- (i) *Plant alkaloids*,—an acid solution of epinephrine (1:1,000) is not visibly affected by solutions of *trinitrophenol*, *tannic acid*, *phosphomolybdic acid*, *platinic chloride*, or solution of *potassio-mercuric iodide*,
- (ii) *Loss on drying*,—when dried in a vacuum over *sulphuric acid* for 18 hours, epinephrine loses not more than 2 per cent, and
- (iii) *Ash*,—when incinerated, epinephrine leaves not more than 0.05 per cent ash.

C.06.141. Epinephrine shall be

- (a) assayed by the official method, and
- (b) stored in tightly-closed containers, protected from light.

C.06.142. Both the inner and the outer labels of epinephrine shall carry the lot number.

EPINEPHRINE HYDROCHLORIDE SOLUTION

C.06.150. Epinephrine Hydrochloride Solution shall be a solution of epinephrine in distilled water acidulated with hydrochloric acid and its

Food and Drugs Act—continued

stated concentration shall correspond in bronchodilator and pressor potencies to that of a solution of Canadian Standard Epinephrine of the same stated concentration, and

- (a) its characters are: *Description*,—epinephrine hydrochloride solution is a nearly colourless, slightly acid liquid, gradually turning dark on exposure to air or light, but if the solution is brown in colour, or contains a precipitate, it shall not be used, and
- (b) the test for its identity is: add 1 drop of *test-solution of ferric chloride* to 10 millilitres of epinephrine hydrochloride solution: an emerald green colour is produced, which soon changes to cherry red and finally to brown.

C.06.151. Epinephrine hydrochloride solution shall be

- (a) assayed by the official method, and
- (b) stored in a cool place in well-filled, tightly-closed containers, protected from light.

C.06.152. Both the inner and the outer labels of epinephrine hydrochloride solution shall carry

- (a) the concentration (for example 1:100 or 1:1,000),
- (b) the lot number, and
- (c) the expiration date, except on the inner label of single-dose containers.

C.06.153. The expiration date for epinephrine hydrochloride solution shall be not later than 18 months after assay.

GELATIN

C.06.160. Gelatin shall be the protein that is obtained by extraction of collagenous material, and

- (a) its characters are
 - (i) *Description*,—gelatin occurs in translucent sheets, shreds, powder, or granules that are colourless or pale-yellowish in colour and possess a slight odour and taste, and
 - (ii) *Solubility*,—gelatin is
 - (1) insoluble in
 - (a) cold water, but swells and softens when immersed in it,
 - (b) alcohol (90 per cent),
 - (c) solvent ether, and
 - (d) chloroform, and
 - (2) soluble in
 - (a) hot water, forming a jelly on cooling,
 - (b) a cold mixture of glycerin and water, and
 - (c) acetic acid,
- (b) the tests for its identity are
 - (i) a dilute solution of gelatin in water produces a precipitate with
 - (1) solution of trinitrophenol,
 - (2) solution of tannic acid,
 - (3) solutions of chromium trioxide,
 - but not with
 - (4) other acids,
 - (5) a dilute solution of alum,
 - (6) solution of lead acetate, or
 - (7) test-solution of ferric chloride,

Food and Drugs Act—continued

- (ii) when heated with *soda lime*, it evolves ammonia, and
- (iii) a solution in *water* produces, with *solution of mercury nitrate*, a white precipitate which develops a brick-red colour on warming, and
- (c) the tests for its purity are
 - (i) *Arsenic*,—the *arsenic limit* shall be 1·4 parts per million,
 - (ii) *Copper*,—the *copper limit* shall be 30 parts per million,
 - (iii) *Fluorine*,—the *fluorine limit* shall be 1·4 parts per million,
 - (iv) *Lead*,—the *lead limit* shall be 10 parts per million,
 - (v) *Sulphur dioxide*,—the *sulphur dioxide limit* shall be 500 parts per million,
 - (vi) *Zinc*,—the *zinc limit* shall be 50 parts per million,
 - (vii) *Odour and taste of a solution*,—a warm 5 per cent w/v solution of gelatin in *water* shall be free from objectionable taste and offensive odour,
 - (viii) *Loss on drying*,—gelatin shall lose not more than 16 per cent when dried,
 - (ix) *Ash*,—gelatin shall leave not more than 2·6 per cent ash, and
 - (x) *Bacterial content*,—gelatin shall not contain more than 10,000 bacteria per gram and coliform bacteria shall not be evident in 0·01 gram.

INJECTION OF DIGITALIS

- C.06.180. Injection of Digitalis** shall be a solution of one or more of the glycosides or of the therapeutically desirable and cardioactive constituents of *Digitalis purpurea* L., in sterilized water or in diluted alcohol and shall be
- (a) sterilized by filtration, as described in the British Pharmacopoeia, and
 - (b) assayed by the official method.

- C.06.181.** Both the inner and the outer labels of injection of digitalis shall carry
- (a) the potency in International Units per millilitre,
 - (b) the lot number, and
 - (c) the expiration date, except on the inner label of containers containing 2 millilitres or less.

- C.06.182.** The outer label of injection of digitalis shall carry the following statement or words of like import:
- Caution:* one digitalis unit given intravenously generally has a greater effect than the same amount given orally. Physicians are advised to take cognizance of the fact when administering injection of digitalis.

- C.06.183.** The expiration date for injection of digitalis shall be not later than two years after the date of assay.

INJECTION OF DIGITOXIN

- C.06.190. Injection of Digitoxin** shall be a solution of digitoxin in alcohol (40 to 50 per cent) and may also contain glycerin, and shall be
- (a) sterilized by heating in an autoclave as described in the British Pharmacopoeia,
 - (b) assayed by the official method, and
 - (c) stored in single-dose hermetically sealed containers protected from light.

Food and Drugs Act—continued

C.06.191. Both the inner and the outer labels of injection of digitoxin shall carry

- (a) the amount of digitoxin contained in each millilitre, and
- (b) the lot number.

INJECTION OF DIGOXIN

C.06.200. Injection of Digoxin shall be a solution of digoxin in alcohol (70 per cent) and shall be

- (a) sterilized by Tyndallization or by filtration as described in the British Pharmacopoeia,
- (b) assayed by the official method, and shall contain not less than 67 per cent and not more than 73 per cent v/v alcohol (C_2H_5OH), and
- (c) stored in single-dose hermetically sealed containers protected from light.

C.06.201. Both the inner and the outer labels of injection of digoxin shall carry

- (a) the amount of digoxin contained in each millilitre, and
- (b) the lot number.

INJECTION OF LANATOSIDE C

C.06.210. Injection of Lanatoside C shall be a solution of lanatoside C in alcohol (10 per cent) and may also contain glycerin, and shall contain, in each millilitre, the labelled amount of lanatoside C, and shall be

- (a) sterilized preferably by filtration as described in the British Pharmacopoeia,
- (b) assayed by the official method, and
- (c) stored in single-dose hermetically sealed containers protected from light.

C.06.211. Both the inner and the outer labels of injection of lanatoside C shall carry

- (a) the amount of lanatoside C contained in each millilitre, and
- (b) the lot number.

LANATOSIDE C

$C_{49}H_{76}O_{20}$

Mol. Wt. 984.6

C.06.220. Lanatoside C shall be a glycoside obtained from the leaves of *Digitalis lanata* Ehrh., and

(a) its characters are

- (i) *Description*,—lanatoside C occurs as colourless or white crystals or as a white crystalline powder that is
 - (1) odourless,
 - (2) melts indistinctly and with decomposition at approximately $250^{\circ}C$., and
 - (3) is hygroscopic, rapidly absorbing approximately 7 per cent moisture when exposed to air,
- (ii) *Solubility*,—lanatoside C is
 - (1) insoluble in *water*,
 - (2) practically insoluble in *ether*,

Food and Drugs Act—continued

- (3) practically insoluble in *light petroleum*,
- (4) sparingly soluble in *alcohol (95 per cent)*,
- (5) soluble in *dioxan*,
- (6) soluble in *pyridine*,
- (7) soluble, 1:20 w/v, in *methyl alcohol*, and
- (8) soluble, 1:2,000 w/v, in *chloroform*, and
- (iii) *Specific rotation*,—the *specific rotation*, α_D^{25} , of lanatoside C is between 33.4° and 33.7° and is determined using a solution in *alcohol (95 per cent)* containing the equivalent of 200 milligrams of dried lanatoside C in 10 millilitres of the solution, and using a 100-millimetre tube,
- (b) the test for its identity is: add 0.5 millilitre of *test-solution of ferric chloride* to 100 millilitres of *glacial acetic acid*, and mix well; dissolve 2 to 3 milligrams of lanatoside C in 5 millilitres of this solution, and underlay with 5 millilitres of *sulphuric acid*: an intense indigo-blue colour is immediately formed in the acetic acid layer, and a brown ring, free from red, is produced at the junction of the two liquids, and
- (c) the tests for its purity are
 - (i) *Loss on drying*,—when dried in vacuum over *sulphuric acid* to constant weight, lanatoside C loses not more than 7.5 per cent, and
 - (ii) *Ash*,—when incinerated, lanatoside C leaves not more than 0.05 per cent ash.

C.06.221. Lanatoside C shall be

- (a) assayed by the official method, and
- (b) stored in closed containers protected from light.

C.06.222. Both the inner and the outer labels of lanatoside C shall carry

- (a) the number of milligrams of lanatoside C per tablet or other individual dosage or dispensing form, and
- (b) the lot number.

PITUITARY EXTRACT (POSTERIOR LOBE)

C.06.230. Pituitary Extract (Posterior Lobe) shall be the aqueous extract prepared from the separated posterior lobe of the pituitary bodies of oxen or other mammals, and

- (a) its character is: *Description*,—pituitary extract (posterior lobe) is a clear, colourless liquid with a faint odour, and shall have a pH of not less than 3 and not more than 4, and
- (b) the tests for its identity are
 - (i) pituitary extract (posterior lobe) causes contraction of the uterine muscle of the guinea-pig suspended in a suitable bath,
 - (ii) pituitary extract (posterior lobe) causes a rise of the blood pressure when injected into the vein of a mammal anaesthetized by a general anaesthetic or by destruction of the brain,
 - (iii) when injected under the skin of a mammal, at the same time as a volume of water is administered by mouth, pituitary extract (posterior lobe) causes a delay in the excretion of the water, and
 - (iv) when mixed with an equal volume of *2N sodium hydroxide* and allowed to stand for 1 hour at room temperature, and then neutralized, the actions on the blood pressure and

Food and Drugs Act—continued

excretion of water disappear, and the activity on the uterine muscle of the guinea-pig is reduced to not more than 5 per cent of that originally present.

C.06.231. Pituitary extract (posterior lobe) shall be

- (a) assayed by the official method, and
- (b) stored in single-dose hermetically sealed containers that should be maintained at as low a temperature as possible above its freezing point, and the glass ampoules, or glass vials shall meet the tests for *limit of alkalinity of glass*.

C.06.232. Both the inner and the outer labels of pituitary extract (posterior lobe) shall carry

- (a) the potency in International Units per millilitre, except in the case of single-dose containers of 1 millilitre or less, where the potency shall be expressed in International Units,
- (b) the lot number, and
- (c) the expiration date, except in the case of single-dose containers.

C.06.233. The expiration date for pituitary extract (posterior lobe) shall be not later than eighteen months after the date of assay.

POWDERED DIGITALIS

C.06.240. Powdered Digitalis shall be digitalis dried at a temperature not exceeding 60°C. and reduced to a fine powder, of which all will pass through a 177-micron sieve and not more than 40 per cent through a 125-micron sieve (Canadian Standard Specification, 8-GP-1), and for therapeutic administration, shall be assayed and adjusted to contain 10 International Units in 1 gram, for which purpose, powdered digitalis, containing more than 10 International Units in 1 gram, may be adjusted to contain 10 International Units in 1 gram, by thorough mixture with powdered digitalis containing less than 10 International Units in 1 gram, or with the exhausted marc remaining when tincture of digitalis has been prepared, the marc being carefully dried before mixing, and the test for its purity is:

Loss on drying,—when dried at 100°C., powdered digitalis loses not more than 5 per cent.

C.06.241. Powdered digitalis shall be

- (a) assayed by the official method, and
- (b) stored to prevent access of moisture in a tightly-closed container that includes where necessary a device containing a non-liquefying, inert, dehydrating substance to control the humidity.

C.06.242. Both the inner and the outer labels of powdered digitalis shall carry

- (a) the potency in International Units per gram, or per tablet or other individual dosage or dispensing form,
- (b) a statement of the number of grains of powdered digitalis per tablet or other individual dosage or dispensing form, and
- (c) the lot number.

Food and Drugs Act—continued

THYROID

C.06.250. Thyroid shall be the cleaned, dried, powdered thyroid glands of domestic animals used for food, and shall contain not less than 0·17 per cent, and not more than 0·23 per cent iodine and no added iodine in either inorganic or organic form, and

(a) its characters are

Description,—

- (i) *General*,—thyroid occurs as a cream-coloured, amorphous powder; the odour and taste are faint and meat-like, and
 - (ii) *Microscopical*,—when suitably mounted and examined under the microscope, thyroid shows the following: numerous smooth to striated hyaline fragments of colloids, of angular to irregular shape, that are colourless to pale yellow in water mounts, brown in *Mallory's stain* and pink in *solution of eosin*, some of these fragments containing granules, minute vacuoles, crystalloidal bodies and cells; numerous irregular fragments of follicular epithelium staining brown with *Mallory's stain*, the individual cells more or less polygonal to rounded-angular or irregularly cuboidal, often with prominent nuclei staining dark blue, their cytoplasm purplish with *Delafield's solution of haematoxylin*; slender glistening segments of capillaries of closely undulate outline; numerous slender segments of neuraxons; numerous aggregates of particles of intercellular substance and slender, mostly straight connective tissue fibres staining blue to greenish blue with a mixture of *Mallory's stain* and *solution of phosphotungstic acid*, the bundles of fibres often appearing reddish in *Mallory's stain*; few glistening fragments of blood vessels with serrated or crenated ends as viewed in water mounts, and
- (b) the tests for its purity are
- (i) *Inorganic iodine*,—add to 1 gram of thyroid 10 millilitres of a saturated solution of *zinc sulphate* in *water*, shake, allow to stand 5 minutes, and filter through a fritted glass filter; add to 5 millilitres of the filtrate 0·5 millilitre of *mucilage of starch* and 4 drops each of a 10 per cent w/v solution of *sodium nitrite* in *water and dilute sulphuric acid*, shaking after each addition: no blue colour is produced, and
 - (ii) *Moisture*,—thyroid loses not more than 6 per cent moisture.

C.06.251. Thyroid shall be

- (a) assayed by the official method, and
- (b) stored in a cool place and in a tightly-closed container.

C.06.252. Both the inner and the outer labels of thyroid shall carry the lot number.

TINCTURE OF DIGITALIS

C.06.260. Tincture of Digitalis shall have a potency of one International Unit per millilitre and shall be prepared in accordance with a direct ratio to a 1 litre lot thereof that shall be prepared from

- (a) Digitalis, in No. 40 powder100 grams,
 - (b) Alcohol (70 per cent)a sufficient quantity,
- by the Percolation Process of the British Pharmacopoeia and collect-

Food and Drugs Act—continued

ing 900 millilitres that after assay is adjusted with a sufficient quantity of alcohol (70 per cent) to produce a tincture of digitalis of a potency of one International Unit per millilitre.

C.06.261. Tincture of digitalis shall be assayed by the official method.

C.06.262. The *alcohol content* of tincture of digitalis shall be between 65 per cent and 70 per cent v/v alcohol (C_2H_5OH).

C.06.263. Both the inner and the outer labels of tincture of digitalis shall carry

- (a) the potency in International Units per millilitre,
- (b) the lot number, and
- (c) the expiration date.

C.06.264. The expiration date for tincture of digitalis shall be not later than two years after the date of assay.

VITAMIN B₁₂ WITH INTRINSIC FACTOR CONCENTRATE

C.06.270. Vitamin B₁₂ with Intrinsic Factor Concentrate shall be the preparation possessing vitamin B₁₂ activity made more assimilable from the gastro-intestinal tract by combination with suitable preparations of the mucosa of the stomach or intestines of animals used for food by man, which preparation when administered orally to persons affected with pernicious anaemia shall produce a remission of the disorder.

C.06.271. The approximate anti-anaemia potency of vitamin B₁₂ with intrinsic factor concentrate shall be determined by clinical tests and shall be expressed only in Oral Units, and no reference shall be made to the content of vitamin B₁₂.

C.06.272. An Oral Unit shall be the activity of that amount of an otherwise acceptable product that produces, when administered by mouth daily, satisfactory clinical and hematopoietic responses in Addisonian pernicious anaemia and shall contain vitamin B₁₂ activity equivalent to not more than 15 micrograms of cyanocobalamin and not more than 300 milligrams on the dry basis of the preparation constituting the intrinsic factor concentrate.

C.06.273. No person shall sell vitamin B₁₂ with intrinsic factor concentrate unless the manufacturer has submitted to the Director

- (a) a description of the methods and controls used for the manufacturing, processing, and packaging of the drug,
- (b) protocols of tests performed by an acceptable method on at least 2 different lots of the drug with at least 3 patients to indicate that the drug is effective in producing satisfactory clinical and hematopoietic responses in Addisonian pernicious anaemia when manufactured by the described method and when administered as recommended in the statement of dosage.

C.06.274. No person shall sell vitamin B₁₂ with intrinsic factor concentrate unless the information required by C.06.273 is supplied

- (a) prior to sale,
- (b) every two years from current lots, and
- (c) when alterations are made in the method of manufacture.

Food and Drugs Act—continued

C.06.275. Both the inner and the outer labels of a drug represented as containing vitamin B₁₂ with intrinsic factor concentrate shall carry a statement

- (a) of the anti-anaemia potency expressed in Oral Units,
- (b) of the recommended daily dose, which shall contain at least one Oral Unit of anti-pernicious anaemia activity,
- (c) "NOTE: For Therapeutic Use Only", and
- (d) that the container should be kept tightly closed and in a cool place.

C.06.276. Drugs represented as containing vitamin B₁₂ with intrinsic factor concentrate shall not be advertised to the general public.

C.06.277. No person shall mention on a label or in an advertisement intrinsic factor or intrinsic factor concentrate unless it conforms to all the requirements of vitamin B₁₂ with intrinsic factor concentrate.

C.06.278. Vitamin B₁₂ with Intrinsic Factor Concentrate and other medication shall meet all the requirements of vitamin B₁₂ with intrinsic factor concentrate in respect to that ingredient and shall carry on both the inner and the outer labels a statement

- (a) of the true nature and amount of the added medication, that notwithstanding C.06.271 may include vitamin B₁₂, with observance of any requirement of these regulations in respect of such added medication, and the words *other medication* may be replaced by the proper name of such added medication, and
- (b) that the potency of vitamin B₁₂ with intrinsic factor concentrate was established prior to mixture with such added medication.

C.06.279. No person shall sell a drug for oral use for the treatment of pernicious anaemia unless

- (a) the drug meets all the requirements of C.06.273 to C.06.276, and
- (b) the anti-anaemia potency is expressed in Oral Units which have the activity described in C.06.272.

ANNEX TO DIVISION 6

Reagents or Solutions Employed in Tests

Aniline Blue is the water-soluble dye that consists of a mixture of the trisulphonates of triphenyl-*p*-rosaniline and diphenyl-*p*-rosaniline.

Cholesterol is cholesterol of pharmacopoeial grade.

Solution of Cholesterol is a 0.5 per cent w/v solution of cholesterol in *alcohol (95 per cent)*.

Delafield's Solution of Haematoxylin is made by dissolving 4 grams of haematoxylin in 25 millilitres of *alcohol (95 per cent)*, mixing with 400 millilitres of a saturated solution of *ammonium alum* in *water*, and setting aside for 4 days in a flask closed with a plug of cotton wool, exposed to light and air; this solution is then mixed with 200 millilitres of a mixture of equal volumes of *glycerin* and *methyl alcohol*, allowed to stand for 6 weeks in a warm place exposed to light until the colour darkens, and is kept in a tightly-stoppered bottle.

Food and Drugs Act—*continued*

Mallory's Stain is made by dissolving 0·5 gram of *aniline blue*, 2 grams of *orange G*, and 2 grams of *oxalic acid* in 100 millilitres of *water*.

Orange G is the di-sodium salt of 1-phenylazo-2-naphthol-6,8-disulphonic acid.

Phosphotungstic Acid is phosphotungstic acid of reagent purity.

Solution of Phosphotungstic Acid is a 1 per cent w/v solution of phosphotungstic acid in *water*.

Solution of Sodium Hypochlorite is a freshly prepared solution made by dissolving 10·5 grams of *sodium carbonate* in 25 millilitres of *water*, mixing with the liquid obtained by thoroughly triturating 7 grams of *chlorinated lime* with 75 millilitres of *water*, shaking frequently during 3 or 4 hours, and filtering.

Part D

VITAMINS

DIVISION I

*General***D.01.001.** In this **Part**

- (a) "common name" means, with reference to a food, the name of the food printed in bold-face type in these regulations or, if the name of the food is not so printed, the name in English or French by which the food is generally known,
- (b) "food colour" means those colours permitted for use in or upon food by **Part B** DIVISION 6 of these regulations,
- (c) "official drug" means any drug
 - (i) for which a standard is provided in these regulations or
 - (ii) for which no standard is provided in these regulations but for which a standard is provided in any of the publications mentioned in SCHEDULE B to the Act,
- (d) "parenteral use" means administration of a drug by means of hypodermic syringe, needle or other instrument through or into the skin or mucous membrane,
- (e) "per cent" means per cent by weight unless otherwise stated,
- (f) "practitioner" means a person authorized by the law of a province of Canada to treat patients with any drug listed or described in SCHEDULE F to the Act,
- (g) "prescription" means an order given by a practitioner directing that a stated amount of any drug or mixture of drugs specified therein be dispensed for the person named in the order,
- (h) "proper name" means, with reference to a drug, the name in English or French
 - (i) assigned to the drug in C.01.002,
 - (ii) that appears in bold-face type for the drug in these regulations,
 - (iii) specified in the Canadian licence in the case of drugs included in SCHEDULE C or SCHEDULE D to the Act, or

Food and Drugs Act—continued

- (iv) assigned in any of the publications mentioned in SCHEDULE B to the Act in the case of drugs not included in (i), (ii), or (iii) of this paragraph,
- (i) “proper name” means
 - (i) with reference to a vitamin mentioned in subparagraphs (i) to (xvii) of paragraph (j), the name used for the vitamin in any of those subparagraphs, and
 - (ii) with reference to a vitamin mentioned in subparagraph (xviii) of paragraph (j), the proper name of the vitamin from which the salt or derivative is obtained, and
- (j) “vitamin” means
 - (i) **Vitamin A,**
 - (ii) **Provitamin A,**
 - (iii) **Thiamine, Thiamine Hydrochloride, or Vitamin B₁,**
 - (iv) **Riboflavin,**
 - (v) **Niacin,**
 - (vi) **Niacinamide,**
 - (vii) **Pyridoxine, Pyridoxine Hydrochloride, or Vitamin B₆,**
 - (viii) ***d*-Pantothenic Acid or Calcium *d*-Pantothenate,**
 - (ix) ***d*-Panthenol or *d*-Pantothenyl Alcohol,**
 - (x) **Folic Acid,**
 - (xi) **Biotin,**
 - (xii) **Vitamin B₁₂ or Cyanocobalamin,**
 - (xiii) **Vitamin B Complex,**
 - (xiv) **Ascorbic Acid or Vitamin C,**
 - (xv) **Vitamin D,**
 - (xvi) **Vitamin E or *dl*, alpha-tocopheryl acetate,**
 - (xvii) **Vitamin K or menadione, and**
 - (xviii) any salt or derivative of any vitamin mentioned in subparagraphs (i) to (xviii).

D.01.002. This **Part** does not apply to a drug represented as containing a vitamin sold solely for veterinary use if both the inner and the outer labels carry the statement “For Veterinary Use Only”.

D.01.003. Vitamin B₁₂ for parenteral use shall be of a potency of not less than 90 per cent of the amount of anhydrous vitamin B₁₂ declared on the label.

D.01.004. Where a drug represented as containing a vitamin is put up in individual dosage or dispensing form or in ampoules or vials not prepared ready for injection, the amount of each vitamin contained therein

- (a) in any individual dosage or dispensing form or in any ampoule or vial shall be not less than 90 per cent of the amount declared on the label, and
- (b) on the average shall be at least as great as the amount declared on the label as determined by the official method.

D.01.005. Subject to D.01.006, where the contents of a package of a food or drug represented as containing a vitamin are expressed in terms of weight, measure, or number, no variations from the quantity declared on the label are permitted other than the following

- (a) variations due exclusively to weighing, measuring, or counting that occur in packaging conducted in accordance with good com-

Food and Drugs Act—continued

mercial practice, which variations are, except for those drugs where the contents are expressed in terms of number, not to be such that the average content is less than the quantity declared on the label as determined by the official method.

- (b) variations due exclusively to differences in the capacity of containers resulting solely from unavoidable difficulties in manufacturing, but no greater variation is permitted because of the design of the containers than is permitted in the case of containers of similar capacity that can be manufactured so as to be of approximately uniform capacity, and
- (c) variations in weight or measure that unavoidably result from the ordinary and customary exposure of the package to evaporation or to the absorption of water under normal atmospheric conditions.

D.01.006. Notwithstanding D.01.005, where the contents of a package of a food or drug represented as containing a vitamin are expressed in terms of minimum weight, measure, or number, the contents of the package shall not be less than the minimum expressed.

D.01.007. Where a drug represented as containing a vitamin is put up in ampoules ready for parenteral use, each ampoule of the drug shall contain an excess volume sufficient to permit the withdrawal of the volume declared on the label.

D.01.008. Where a drug represented as containing a vitamin is prepared for parenteral use and contains a preservative ingredient, such ingredient

- (a) shall be added only in an amount that is non-toxic and harmless in the dosage in which the drug is recommended to be used, and
- (b) shall not interfere with the therapeutic properties of the drug.

D.01.009. No person shall sell a drug represented as containing a vitamin that is prepared for parenteral use unless the drug in its final container is tested, by an acceptable method, where such a test can be carried out, for identity, the presence of pyrogens, sterility and safety, and when so tested is found to be true to name, free of pyrogen, sterile and safe when used according to directions.

D.01.010. The immediate container of a drug represented as containing a vitamin that is prepared for parenteral use shall be of such material and construction that

- (a) no deleterious substance is yielded to the contents thereof, and
- (b) if made of glass, it permits inspection of the contents.

D.01.011. Where a claim is made as to the vitamin potency of a food or drug, the food or drug shall have that vitamin potency as determined by the official method.

DIVISION 2*Labelling and Advertising*

D.02.001. No person shall sell a food or a drug represented as containing a vitamin that is not labelled.

D.02.002. Any statement or information required by these regulations to be carried on a label shall be legibly and conspicuously displayed thereon.

Food and Drugs Act—continued

D.02.003. Where a package of a food or a drug represented as containing a vitamin has only one label, that label shall contain all the information required by these regulations to be shown on both the inner and the outer labels.

D.02.004. No reference, direct or indirect, to the Act or to these regulations shall be made upon any label of, or in any advertisement for a food or a drug represented as containing a vitamin unless such reference is a specific requirement of the Act or these regulations.

D.02.005. An advertisement to the general public or a label shall not

- (a) give assurances regarding results to be obtained from treatment by vitamin medication or from the addition of vitamins to the diet, or
- (b) refer to, reproduce, or quote any testimonial in specific cases regarding the action of any vitamin in a food or drug represented as containing the vitamin.

D.02.006. On any label of or in any advertisement to the general public for a food or drug represented as containing a vitamin, the proper name of the vitamin shall be displayed as conspicuously as any other name used therein for the vitamin.

D.02.007. Except as provided in these regulations, the label of a package of food represented as containing a vitamin shall carry

- (a) on the main panel of the label
 - (i) the common name of the food,
 - (ii) a declaration by name of any Class II, Class III, and Class IV preservative therein,
 - (iii) a declaration of any food colour added thereto, and
 - (iv) a declaration of any artificial or imitation flavouring preparation added thereto,
- (b) on the label
 - (i) the name and address of the manufacturer of the food,
 - (ii) in the case of a food consisting of more than one ingredient and for which no standard is prescribed in these regulations for the food, a complete list of the ingredients by their common names in descending order of their proportions unless the quantity of each ingredient is stated in terms of percentage or proportionate composition,
 - (iii) except in the case of a food, the weight of which including the package in which it is contained is under two ounces, a correct statement of the net content in terms of weight, measure, or number in compliance with good commercial practice.

D.02.008. The label of a food represented as containing a vitamin to which no vitamin has been added shall not, except in cases permitted by D.02.014, D.03.001 and D.03.002, carry any statement regarding the vitamin content of the food.

D.02.009. Where, in accordance with D.03.001, the label of a food declares that the food is "an excellent dietary source" of a vitamin named on the label, no claim shall be made on the label of or in any advertisement for the action of that vitamin other than the general claims

Food and Drugs Act—continued

permitted by D.03.008, unless the amount of the vitamin contained in the food is more than the minimal amounts listed in D.03.004 (a) to (k) when the specific claims permitted by D.03.009 may be made.

D.02.010. No claims shall be made on any label of or in any advertisement for the action of a vitamin contained in a food that is labelled "a good dietary source" of a named vitamin as permitted by D.03.002.

D.02.011. No label of or advertisement for a food shall mention pyridoxine, *d*-pantothenic acid, *d*-panthenol, folic acid, biotin, vitamin B₁₂, vitamin E or vitamin K.

D.02.012. Subject to D.02.013 and D.02.014, the label of a food represented as containing a vitamin to which has been added a vitamin shall carry a statement of the amount of vitamin present in the food expressed in terms of the proper name of the vitamin only in

- (a) International Units per 100 grams or per 100 millilitres for vitamin A, pro-vitamin A, vitamin D, and
- (b) milligrams per 100 grams or per 100 millilitres for thiamine, riboflavin, niacin, niacinamide, and ascorbic acid.

D.02.013. Where a vitamin has been added to a food that is packaged in unit containers containing less than 100 grams or 100 millilitres, the label of the food shall carry a statement of the amount of vitamin present therein expressed in terms of the proper name only of the vitamin in

- (a) International Units per package for vitamin A, provitamin A and vitamin D, and
- (b) milligrams per package for thiamine, riboflavin, niacin, niacinamide, and ascorbic acid.

D.02.014. A food represented as containing a vitamin and that is used solely for feeding children under two years of age may carry a statement on the label, of its vitamin content in terms of the specified units per ounce.

D.02.015. The main panel of both the inner and the outer labels of a drug represented as containing a vitamin shall carry

- (a) the proper name and the standard under which the drug was manufactured which shall, if the standard is contained in any publication mentioned in SCHEDULE B to the Act, be stated in full or by the abbreviation therein provided, or if the standard is provided by DIVISION 5 or DIVISION 6 of **Part C** of these regulations, the standard shall be designated as Canadian Standard Drug or C.S.D. or, if the drug is manufactured under Canadian licence it shall be sufficient to state the Canadian licence number, and where there is a proprietary or brand name, the proper name shall immediately precede or follow the said proprietary or brand name in type of not less than one-half the size thereof, or
- (b) if there is no proper name the common name.

D.02.016. Both the inner and the outer labels of a drug represented as containing a vitamin shall carry

- (a) the name of the manufacturer or distributor of the drug,

Food and Drugs Act—continued

- (b) the address of the manufacturer or distributor, except that where the immediate container contains 5 millilitres or less, this statement need not be made on the inner label,
- (c) where a drug is intended for parenteral use, the lot number thereof,
- (d) adequate directions for use,
- (e) the proper name or if there is no proper name the common name of each medicinal ingredient contained therein except upon
 - (i) shipping cases or wrapping material,
 - (ii) official drugs,
 - (iii) drugs sold on prescription, or
 - (iv) medicines registered under the Proprietary or Patent Medicine Act, and
- (f) a statement of the amount of each vitamin present in the drug, expressed in terms of the proper name only of the vitamin in
 - (i) International Units per gram or per millilitre for vitamin A, provitamin A, vitamin D, and vitamin E,
 - (ii) milligrams per gram in the case of solids or viscous liquids, or per millilitre in the case of other liquids, for thiamine, riboflavin, niacin, niacinamide, pyridoxine, *d*-pantothenic acid, *d*-panthenol, folic acid, ascorbic acid, and vitamin K,
 - (iii) micrograms per gram in the case of solids or viscous liquids, or per millilitre in the case of other liquids, for biotin, and vitamin B₁₂,
 - (iv) Oral Units for vitamin B₁₂ with intrinsic factor concentrate, or
 - (v) for vitamin products put up in individual dosage or dispensing form, the specified units per individual dosage or dispensing form, and
- (g) in the case of a complex salt or derivative of a vitamin, the name of the salt or derivative.

D.02.017. The outer label of a drug represented as containing a vitamin shall carry

- (a) a correct statement of net contents in terms of weight, measure, or number, and
- (b) where the drug is intended for parenteral use, the name and proportion of any preservative present therein.

D.02.018. Where any label of a food or drug carries, in addition to the statements required by D.02.012, D.02.013, and D.02.016, a statement of the vitamin content of the product expressed in any other measure than those required by those sections, no such additional statement shall be more prominent than the statement required by those sections.

D.02.019. The inner and outer labels of a food or drug represented as containing provitamin A shall describe the nature of the provitamin A.

D.02.020. The inner and outer labels of a food or drug represented as containing a mixture of vitamin A and provitamin A shall show the proportions of each.

D.02.021. The inner and outer labels of a food or drug represented as containing vitamin B complex shall carry a statement of the source

Food and Drugs Act—continued

of the vitamin B complex and the amount present per gram, per millilitre, or per individual dosage form, as the case may be, in the following manner: "Vitamin B Complex as derived from (naming the number) grams of (naming the source)".

D.02.022. Both the inner and the outer labels of a drug represented as containing vitamin E shall carry a statement of the source and form of the active material.

D.02.023. Both the inner and the outer labels of a drug represented as containing vitamin B₁₂ shall carry a statement of the form of the vitamin B₁₂ and the potency in terms of micrograms of vitamin B₁₂ or cyanocobalamin.

D.02.024. Both the inner and the outer labels of a drug represented as containing vitamin E, *d*-pantothenic acid *d*-panthenol or biotin other than

- (a) a drug put up in ampoules for parenteral use, or
- (b) a drug containing in the daily dose recommended on the label more than 25 International Units of vitamin E,

shall carry a statement that the significance of these vitamins in human nutrition has not been established.

D.02.025. No claim shall be made in an advertisement to the general public or on a label respecting the action of pyridoxine, *d*-pantothenic acid, *d*-panthenol, folic acid, biotin, vitamin B₁₂, vitamin E or vitamin K.

D.02.026. The inner and outer labels of cod liver oil shall carry

- (a) a statement of the vitamin A and the vitamin D content described in International Units per gram, except where it is put up in individual dosage or dispensing form when it shall be described in International Units per individual dosage or dispensing form,
- (b) the recommended daily dosage, the content of which shall not exceed 10,000 International Units of vitamin A, and 2,000 International Units of vitamin D.

D.02.027. The inner and outer labels of an extract of cod liver, an extract of cod liver oil, an emulsion of cod liver oil, or a preparation purporting to contain these substances when intended for oral use shall carry

- (a) a statement of the vitamin A and the vitamin D content in International Units per gram in the case of viscous liquids, or per millilitre in the case of other liquids, and recommended daily dose, the smallest of which shall contain not less than 1,600 International Units of vitamin A and 400 International Units of vitamin D, or
- (b) a statement that the product is not a substitute for the vitamin activity of cod liver oil.

D.02.028. Both the inner and the outer labels of halibut liver oil shall carry

- (a) a statement of the vitamin A content in International Units per gram, except where it is put up in individual dosage or dispensing form when it shall be described in International Units per individual dosage or dispensing form,

Food and Drugs Act—continued

- (b) the recommended daily dosage, which shall not exceed 0·16 millilitre or 10,000 International Units of vitamin A, except where the label carries the statement: "NOTE: For Therapeutic Use Only" and the product is not advertised to the general public.

DIVISION 3

Limits of Vitamin Content, Claims

D.03.001. No person shall claim that a food to which no vitamin has been added is "an excellent dietary source" of any vitamin named on the label unless the food contributes in a reasonable daily intake, as ordinarily consumed or prepared as directed on the label, not less of the vitamin in respect of which the claim is made than the amount listed herein for the vitamin

- (a) for vitamin A, 1,200 International Units,
- (b) for thiamine, 0·45 milligram,
- (c) for riboflavin, 0·75 milligram,
- (d) for niacin, 4·5 milligrams,
- (e) for ascorbic acid, 15 milligrams,
- (f) for vitamin D, 400 International Units,
- (g) for vitamin B complex, an amount that will supply not less than the following amounts of any three of the following factors:
 - (i) 0·3 milligram of thiamine,
 - (ii) 0·3 milligram of riboflavin,
 - (iii) 1·5 milligrams of niacin,
 - (iv) 0·25 milligram of pyridoxine, or
 - (v) 0·5 milligram of *d*-pantothenic acid.

D.03.002. No person shall claim that a food to which no vitamin has been added is "a good dietary source" of any vitamin named on the label unless the food contributes in a reasonable daily intake, as ordinarily consumed or prepared as directed on the label, not less of the vitamin in respect of which the claim is made than the amount listed herein for the vitamin

- (a) for vitamin A, 600 International Units,
- (b) for thiamine, 0·25 milligram,
- (c) for riboflavin, 0·4 milligram,
- (d) for niacin, 2·5 milligrams,
- (e) for ascorbic acid, 7·5 milligrams,
- (f) for vitamin B complex, an amount that will supply not less than the following amounts of any three of the following:
 - (i) 0·15 milligram of thiamine,
 - (ii) 0·15 milligram of riboflavin,
 - (iii) 0·8 milligram of niacin,
 - (iv) 0·15 milligram of pyridoxine, or
 - (v) 0·25 milligram of *d*-pantothenic acid.

D.03.003. No person shall add a vitamin to a food in an amount that will, in a reasonable daily intake, contribute more than

- (a) 2,500 International Units of vitamin A,
- (b) 2 milligrams of thiamine,

Food and Drugs Act—*continued*

- (c) 3 milligrams of riboflavin,
- (d) 20 milligrams of niacin or niacinamide,
- (e) 60 milligrams of ascorbic acid, or
- (f) 800 International Units of vitamin D.

D.03.004. No person shall sell a food or drug represented as containing a vitamin, except those defined in D.03.001, D.03.002, and D.03.005, unless such food or drug contributes in the smallest recommended daily intake, where dosage is given, or otherwise in a reasonable daily intake, not less of the vitamin in respect of which the claim is made than the amount listed herein for the vitamin

- (a) for vitamin A or provitamin A, 1,600 International Units,
- (b) for thiamine, 0.6 milligram,
- (c) for riboflavin, 1.0 milligram,
- (d) for niacin or niacinamide, 6 milligrams,
- (e) for pyridoxine, 1 milligram,
- (f) for *d*-pantothenic acid or *d*-panthenol, 5 milligrams,
- (g) for folic acid, 2 milligrams,
- (h) for vitamin B₁₂, 3 micrograms,
- (i) for ascorbic acid, 20 milligrams,
- (j) for vitamin D, 400 International Units,
- (k) for vitamin E, 10 International Units, or
- (l) for vitamin B complex, an amount, obtained from a natural source, that is found in at least 5 grams of yeast or in an equivalent amount of yeast extract and that will supply not less than the following amounts of any three of the following factors:
 - (i) 0.4 milligram of riboflavin,
 - (ii) 2 milligrams of niacin,
 - (iii) 0.3 milligram of pyridoxine, or
 - (iv) 0.6 milligram of *d*-pantothenic acid.

D.03.005. No person shall sell for use by children under six years of age a food or drug represented as containing a vitamin, except those defined in D.03.001 and D.03.002, unless such food or drug contributes in the smallest recommended daily intake, where dosage is given, or otherwise in a reasonable daily intake, not less of the vitamin in respect of which the claim is made than the amount listed herein for the vitamin

- (a) for vitamin A or provitamin A, 1,000 International Units,
- (b) for thiamine, 0.4 milligram,
- (c) for riboflavin, 0.6 milligram,
- (d) for niacin or niacinamide, 4 milligrams,
- (e) for pyridoxine, 0.6 milligram,
- (f) for *d*-pantothenic acid or *d*-panthenol, 3 milligrams,
- (g) for folic acid, 1.2 milligrams,
- (h) for vitamin B₁₂, 2 micrograms,
- (i) for ascorbic acid, 20 milligrams,
- (j) for vitamin D, 400 International Units.

Food and Drugs Act—continued

D.03.006. Subject to D.03.007, no person shall

- (a) sell a drug represented as containing a vitamin that furnishes in the largest recommended daily intake, more than
 - (i) 10,000 International Units of vitamin A or provitamin A,
 - (ii) 4.5 milligrams of thiamine,
 - (iii) 7.5 milligrams of riboflavin,
 - (iv) 45 milligrams of niacin or niacinamide,
 - (v) any amount of folic acid,
 - (vi) 14 micrograms of vitamin B₁₂,
 - (vii) 150 milligrams of ascorbic acid,
 - (viii) 2,000 International Units of vitamin D,
 - (ix) 25 International Units of vitamin E, or
 - (x) any amount of vitamin K,
 unless both the inner and the outer labels carry the statement
 "NOTE: For Therapeutic Use Only", or
- (b) advertise the drug to the general public.

D.03.007. Notwithstanding D.03.006, the statement "NOTE: For Therapeutic Use Only" is not required

- (a) on the inner label of a drug represented as containing a vitamin put up in ampoules for parenteral use, or
- (b) on the inner and outer labels of drugs listed in SCHEDULE F to the Act.

D.03.008. No person shall make any general claims to the general public based upon the vitamin content of a food or drug other than within the following limitations, namely, that vitamins

- (a) are necessary for the normal functioning of the body,
- (b) aid in growth,
- (c) may help to maintain appetite, and
- (d) may help to maintain normal resistance of the body to infection.

D.03.009. No person shall make any specific claims to the general public based upon the vitamin content of a food or drug other than within the following limitations, namely,

- (a) for vitamin A or provitamin A, that this vitamin is essential for the maintenance of a healthy condition of the epithelium, that it is specific in the prevention and treatment of nutritional night blindness or nyctalopia of dietary origin, and that it prevents, or relieves, if not too far advanced, xerophthalmia due to vitamin A deficiency,
- (b) for thiamine, that this vitamin prevents or alleviates beriberi, that it protects against and aids in the treatment of neuritis due to thiamine deficiency, and that the need of the organism for thiamine is increased when metabolism is greatly augmented as it may be in pregnancy, fever, hyperthyroidism, and infectious diseases,
- (c) for riboflavin, that this vitamin is specific in the prevention and treatment of ariboflavinosis of dietary origin,
- (d) for niacin or niacinamide, that this vitamin is of value in the prevention and treatment of pellagra,

Food and Drugs Act—continued

- (e) for vitamin B complex, that the combined action of the factors of the vitamin B complex aids in the utilization of foodstuffs,
- (f) for ascorbic acid, that this vitamin is specific in the prevention and treatment of scurvy, that it is a factor in the normal development and maintenance of bones, cartilages, teeth and gums, and that the need of the organism for ascorbic acid is increased in fever,
- (g) for vitamin D, that this vitamin is essential in the prevention of rickets and in the normal development of bones and teeth, and that the requirement for vitamin D is greatest in infancy and childhood, and during pregnancy and lactation.

Part E**COSMETICS**

E.01.001. No person shall sell a cosmetic that is not labelled as required by these regulations.

E.01.002. Except as provided in this **Part** a cosmetic shall carry

- (a) on both the inner and the outer labels
 - (i) the name, if any, of the cosmetic, and the description of the cosmetic if necessary for the identification thereof, and
 - (ii) the name and address of the manufacturer or distributor, and where a manufacturer or distributor has more than one place of business such address shall be that of his head office or principal place of business, but the address of any branch place of business may be printed on the label in type no larger than that used for printing the address of the head office or principal place of business,
- (b) on the outer label, a declaration of the net content expressed in terms of
 - (i) weight for solids,
 - (ii) fluid measure for liquids, or
 - (iii) weight for semi-solids except that fluid measure may be used if in accordance with established commercial practice and it gives accurate information in respect of the net content, combined with numerical count if the content is subdivided, and
- (c) on the inner label
 - (i) where a hazard exists adequate directions for safe use, and
 - (ii) any warning, caution or special direction required by these regulations to be placed thereon.

E.01.003. Notwithstanding E.01.002, a statement of the content need not appear on the outer label of

- (a) a package of perfume, toilet water or the like the net content of which does not exceed 4 fluid ounces, and
- (b) a package of solid or liquid cosmetic the net content of which does not exceed one ounce.

Food and Drugs Act—continued

- E.01.004.** No manufacturer shall, on any label of, or in any advertisement for a cosmetic, make any claim respecting the action or effect of the cosmetic or any ingredient therein in cleansing, improving or altering the complexion, skin, hair or teeth, unless such claim
- (a) has general recognition as being proper, or
 - (b) is supported by adequate and proper tests, and he maintains satisfactory records of such tests, and supplies the Director with copies of such records upon request.
- E.01.005.** Any statement or information required by this **Part** to appear on a label shall be legibly and conspicuously displayed thereon.
- E.01.006.** Where a package of a cosmetic has only one label, such label shall contain all the information required by these regulations to be shown on both the inner and the outer labels.
- E.01.007.** No reference direct or indirect to the Act or to these regulations shall be made upon any label of or in any advertisement for a cosmetic unless such reference is a specific requirement of the Act or of these regulations.
- E.01.008.** No person shall sell a cosmetic in the manufacture of which a coal tar colour is used that contains more than
- (a) 1·4 parts per million of arsenic calculated as arsenic,
 - (b) 20 parts per million of lead calculated as lead,
 - (c) 100 parts per million of heavy metals other than lead calculated as the total of the respective metals.
- E.01.009.** Upon written request of the Director, a manufacturer of any cosmetic shall furnish adequate samples of any coal tar colour used by him.
- E.01.010.** No person shall sell any eyebrow or eyelash colour that contains any coal tar dye, coal tar dye base, or coal tar dye intermediate.
- E.01.011.** No person shall sell any hair dye that contains paraphenylenediamine, or other coal tar dye base or coal tar dye intermediate, unless the following legend appears, upon both the inner and the outer labels:
- “WARNING:—Entry of this preparation into the eye may cause blindness.
Do not use it for eyebrows or eyelashes. Heed warning and instructions”,
- and directions for use, to the following effect, or in words of like import, shall accompany each immediate package:
- CAUTION:—This preparation may cause serious inflammation of the skin in some persons and a preliminary test should always be carried out to determine whether or not special sensitivity exists. To make the test, cleanse a small area of skin behind the ear or upon the inner surface of the forearm, using either soap and water or alcohol. Apply a small quantity of the hair dye as prepared for use to the area and allow to dry. After twenty-four hours wash the area gently with soap and water. If no irritation or inflammation is apparent, it is usually assumed that no hypersensitivity to the dye exists. The test should, however, be car-

Food and Drugs Act—concluded

ried out before each and every application. Do not on any account use for dyeing eyebrows or eyelashes as severe inflammation of the eye or even blindness may result.

E.01.012. No person shall sell any cosmetic which carries on the label thereof or in any advertisement therefor, any symbol or device to denote that the cosmetic has been prepared or compounded in accordance with a prescription.

E.01.013. A manufacturer who in the course of compounding, finishing or packaging a cosmetic, changes the composition of material imported from a country, district or other place of origin outside Canada other than by a simple dilution with a solvent, shall not, in naming or describing the cosmetic, employ in any form the name of such country, district or other place of origin, but may make a simple statement of fact regarding the nature and source of any of the ingredients used therein, including the extent of the operations carried out by him.

E.01.014. Notwithstanding the provisions of C.02.004 no person shall sell a preparation manufactured for use as a cosmetic containing a sex hormone represented as having oestrogenic properties unless the cosmetic is demonstrated to be free from systemic effect from sex hormones, and the label bears

- (a) on both the inner and the outer labels
 - (i) the name and address of the manufacturer,
 - (ii) the name of the preparation,
 - (iii) a list of the medicinal ingredients,
 - (iv) the sex hormone potency as defined in C.02.002, and
 - (v) the statement "Use only as directed", and
- (b) on the outer label
 - (i) a statement of net content as required by E.01.002 (b), and
 - (ii) directions for use.

E.01.015. No person shall sell a cosmetic in a collapsible tube packed in a carton if the dimensions of the carton exceed

- (a) for all tubes without chip-board protectors, and tubes of less than $1\frac{1}{4}$ " diameter with chip-board protectors:—
 - (i) length—over-all tube length filled and clipped plus $\frac{8}{32}$ ",
 - (ii) height—diameter of tube plus $\frac{4}{32}$ ",
 - (iii) width—1.25 times tube diameter plus $\frac{4}{32}$ ", and
- (b) for all tubes of $1\frac{1}{4}$ " diameter and over with chip-board protectors:—
 - (i) length—over-all tube length filled and clipped plus $\frac{10}{32}$ ",
 - (ii) height—diameter of tube plus $\frac{4}{32}$ ", and
 - (iii) width—1.25 times tube diameter plus $\frac{4}{32}$ ".

E.01.016. No person shall sell a cosmetic that is recommended for removing stains from the teeth that has an acidity greater than that represented by a pH of 4.

Appendices

Appendices I and II contain the names of analysts and inspectors appointed under the Act. Appendix III contains the forms prescribed by the regulations. Copies of these Appendices may be obtained on application to the Food and Drug Division, Department of National Health and Welfare, Ottawa.

**FOOT AND MOUTH DISEASE, ACT FOR CONTROL AND
EXTIRPATION OF. (1952, c. 1)**

Regulations were made by Order in Council P.C. 1744 of 25th March 1952, providing the procedure for the payment of compensation to persons whose animals had been slaughtered by reason of the epidemic then prevailing. They have remained in abeyance since the end of that epidemic.

FOREIGN ENLISTMENT ACT. (R.S.C., 1952, c. 124)

No regulations have been made under this statute.

FOREIGN INSURANCE COMPANIES ACT. (R.S.C., 1952, c. 125)

Regulations determining and defining classes of insurance, *see* Canadian and British Insurance Companies Act, Volume I, page 580.

FRUIT, VEGETABLES AND HONEY ACT. (R.S.C., 1952, c. 126)

A revision of the regulations under this Act was being made but was not completed on January 1, 1955. The revised regulations will be found in the Supplement, Volume IV, page 3013.

GAME EXPORT ACT. (R.S.C., 1952, c. 128)

No regulations have been made under this statute.

GAS INSPECTION ACT. (R.S.C., 1952, c. 129)

	Page
1. <i>Schedule of fees re verification of gas meters</i>	1807
2. <i>The Gas Inspection Regulations</i>	1808

1. Schedule of Inspection Fees for the testing of gas and gas meters

P.C. 6385

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 27th day of November, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the provisions of the Gas Inspection Act, is pleased to order as follows:

1. The Schedule of Fees for the testing of gas and gas meters, established by Order in Council P.C. 1387 of 11th June, 1937, is hereby revoked; and

2. The tariff of fees hereto annexed, entitled "Schedule of Inspection Fees for the Testing of Gas and Gas meters", is hereby made and established in substitution for the Schedule of Fees hereby revoked.

Gas Inspection Act—continued

SCHEDULE OF INSPECTION FEES FOR THE TESTING OF GAS AND GAS METERS

		Fee	
		\$	cts.
PART I	—POSITIVE DISPLACEMENT GAS METERS		
	Capacity in cubic feet per hour at $\frac{1}{2}$ inch differential		
	Class		
	1 0 to 1000	0	60
	2 1001 to 2000	1	00
	3 2001 to 3000	2	00
	Every additional 1000 cubic feet or part thereof	1	00
PART II	—BASE PRESSURE INDEX	1	00
PART III	—BASE VOLUME INDEX	1	00
PART IV	—VOLUME-PRESSURE GAUGE	1	00
	For any combination of I with II, or with III, or with IV, the fee shall be the sum of the fees for the individual parts.		
PART V	—ORIFICE GAS METERS		
	(a) Overall Meter Test—any capacity	15	00
	(b) Component Parts—tested at office:—		
	(i) Static pressure gauge	1	00
	(ii) Differential pressure gauge	1	00
	(iii) Orifice plate	0	50
PART VI	—CALORIFIC POWER OF GAS		
	Each test—regular or special	2	50
PART VII	—SULPHURETTED HYDROGEN		
	Each test made on request	1	00
PART VIII	—In cases of Special Tests, or tests on equipment not listed above, the fee shall be determined by the Director of Standards.		

2. Regulations respecting Gas and Gas Meters

P.C. 2032

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 4th day of April, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by the Gas Inspection Act, is pleased to order as follows:

1. The regulations established pursuant to the Gas Inspection Act by Order in Council P.C. 2489 of 2nd December, 1922, as amended, are hereby revoked; and
2. The annexed “Regulations respecting Gas and Gas Meters” are hereby made and established in substitution for the regulations hereby revoked.

Gas Inspection Act—continued

REGULATIONS RESPECTING GAS AND GAS METERS

1. In these regulations,

- (a) "Director of Standards" means the person appointed from time to time to that office in the Department of Trade and Commerce;
- (b) "type", with reference to gas meters, means any group of meters built by a manufacturer to a definite specification under a specific designation and in which the component parts are substantially the same;
- (c) any other expression used in these regulations that is defined in the Gas Inspection Act shall have such defined meaning.

2. (1) Part I of these regulations sets forth the requirements that shall be observed in order that types of gas meters may be approved for purposes of the Gas Inspection Act.

(2) Part II sets forth the requirements according to which every gas meter of an approved type shall be verified and reverified.

(3) Part III sets forth the requirements that shall be observed regarding calorific values and tests.

(4) Part IV sets forth the bases of measurement according to which gas shall be sold.

(5) Part V sets forth the standards of measurement and specifies the standards that shall be maintained and the manner in which all instruments and apparatus used for inspection purposes shall be calibrated.

3. In any case in which the Director of Standards is of the opinion that full compliance with these regulations would be impracticable or would impose an unnecessary hardship or difficulty on any manufacturer or contractor, he may give such special directions or waive such requirements as he deems proper to fulfil the general intent of these regulations.

PART I—APPROVAL OF TYPES OF METERS

Approval of Type

4. (1) No meter or auxiliary device used for the measurement of gas for sale shall be sold, offered for sale or used, until the type to which it belongs has been approved by the Director of Standards for such use.

(2) Every type of meter shall conform to such tests as are prescribed by the Director of Standards, the specifications for which shall be published from time to time and be available to manufacturers and, if changed, shall not be made effective until a day which gives reasonable notice of the changed requirements.

(3) In accordance with subsection (2) all charts shall meet the requirements of Specification No. 5 for Approval of Type of Charts; positive displacement gas meters shall meet the requirements of Specification No. 6 for Approval of Type of Positive Displacement Gas Meters; orifice gas meters shall meet the requirements of Specification No. 7 for Approval of Type of Orifice Gas Meters and their Installation; pressure gauges shall meet the requirements of Specification No. 8 for Approval of Type of Recording Pressure Gauges; base pressure indexes shall meet the requirements of Specification No. 9 for Approval of Type of Base Pressure Indexes;

Gas Inspection Act—continued

volume-pressure gauges shall meet the requirements of Specification No. 10 for approval of Type of Volume-Pressure Gauges; and base volume indexes shall meet the requirements of Specification No. 11 for Approval of Type of Base Volume Indexes.

Requirements for Approval

5. (1) A complete list of all sizes (capacities) of meters of the type for which approval is sought shall be sent to the Director of Standards, together with two sets of typewritten or printed specifications and two sets of drawings adequately describing the meters and their performance; and, if there is any variation in construction in the different sizes of meters, a complete description of the variation or variations shall be included.

(2) After examination of the specifications, drawings and descriptions, the Director of Standards may specify the number and sizes of sample meters of such type which are to be submitted for approval.

(3) At his discretion the Director of Standards may retain one of the sample meters of each type if its value does not exceed \$50.00 and all others shall be returned.

(4) All transportation costs and the cost of the sample meter retained by the Director of Standards shall be borne by the submitter.

(5) The samples submitted shall be those which represent the average of the type to be manufactured.

Limitation of Approval

6. (1) The approval of any particular type of meter applies only to meters which are in precise accord with the samples submitted and with the specifications and drawings relating thereto.

(2) Notice shall be sent to the Director of Standards and approval received before any additional size of an approved type of meter may be sold, offered for sale or used for the sale of gas.

(3) If it is proposed to make alterations in the construction of an approved type of meter, descriptive information shall be submitted to the Director of Standards, who may decide whether the alteration may be accepted as an immaterial one and hence included within the approval or whether further tests are required; and, if he decides that an alteration is material, samples shall be submitted as he may require.

Approval of Special Meters

7. Approval of an individual meter of a given type for a special purpose may be granted, but the Director of Standards may require that further samples of the type be submitted before general approval is given.

Re-examination

8. (1) Any approved type of meter may be re-examined and, if faults are found which the manufacturer is unable to correct to the satisfaction of the Director of Standards, the supply of further meters of that type may be prohibited.

(2) Periodically, two or three meters may be selected by a District Inspector from a group of new or re-built meters and forwarded to the Standards Laboratory for inspection and testing.

Gas Inspection Act—continued

PART II—VERIFICATION AND RE-VERIFICATION OF METERS

Presentment for Verification and Re-verification

9. (1) Every approved meter, before being put into service, shall be verified by an inspector, and no meter shall remain in service longer than the prescribed statutory period without being re-verified by an inspector.

(2) In general, a meter will not be required to be re-verified more frequently than once every six years but, in the case of orifice plates, pressure gauges or other components of meter installations, more frequent inspection may be required as the Director of Standards may determine.

Testing Facilities

10. (1) For the verification and re-verification of positive displacement gas meters, the contractor shall deliver his meters at such location as the Director of Standards may designate; however, if more convenient to the contractor, he may place at the disposal of the inspector a suitable room, well lighted and heated and equipped for the accurate testing and sealing of all meters to be verified or re-verified, in which case every prover shall be provided with hot and cold water and drainage connections and the room shall be provided with a lock so that the test equipment may be locked up, free from dust and dirt, during the inspector's absence.

(2) Meters shall have been in the test room long enough to have reached room temperature before they are tested.

Inspection Numbers

11. (1) An inspection number shall be placed by the contractor on every positive displacement gas meter before submitting it to the inspector for verification; and such number shall be applied on the portion of the meter that carries the maker's serial number or on some portion of the meter that is satisfactory to the inspector, and shall thereafter remain on the meter while it is used by the contractor.

(2) Every orifice gas meter installation shall be given an inspection number which shall be placed in a conspicuous position on the installation.

(3) Auxiliary equipment, including base pressure indexes, volume-pressure gauges, base volume indexes, pressure gauges and orifice plates shall be adequately and permanently marked with an inspection number for identification purposes.

(4) No changes shall be made in inspection numbers or the system of numbering without the prior approval in writing of the District Inspector.

Meter Records

12. (1) Every contractor shall keep, and produce for inspection on demand, a complete and accurate record of all his meters and auxiliary devices.

(2) Upon request, a meter register book is supplied by the Director of Standards for the purpose of assisting contractors in complying with subsections (8) and (9) of section 9 of the Gas Inspection Act and with these regulations; but, if a suitable card record is kept by the contractor, the meter register book will not be required.

Gas Inspection Act—continued*Sealing of Meters*

13. Every meter verified by an inspector shall be sealed in such a manner as to prevent access to any of the working parts or adjustments except where the complete sealing of the meter or the installation is impracticable, in which case the Director of Standards may approve its use unsealed; and, in general,

- (a) every positive displacement gas meter when used for the sale of gas shall be sealed;
- (b) if the sealing device of a meter requires the use of wire, the contractor shall provide the necessary wire and shall, if required by the inspector, affix the same in readiness for sealing by the inspector;
- (c) auxiliary equipment, including base pressure indexes, volume-pressure gauges and base volume indexes, when used with positive displacement gas meters, may remain unsealed, but the contractor shall advise the District Inspector as to the location of each device and the inspection number of the positive displacement gas meter to which it is attached; and he shall further advise the District Inspector when the location of the device or the meter used with it is changed;
- (d) pressure gauges, orifice plates and other component parts of orifice gas meters may be used unsealed.

Installation

14. In choosing meter locations, consideration shall be given to avoiding locations where abnormal temperature conditions exist.

Testing of Installed Meters

15. (1) Meters shall be installed in such a manner as to facilitate access for examination and testing.

(2) In any test or examination of an installation, the contractor shall give the inspector every reasonable assistance and co-operation that may be necessary for the efficient and accurate discharge of his duties; and the contractor shall supply all material and make all connections with the inspection standards under the direction of the inspector, who shall have free access to all parts of the service during the test.

Liability for Expenses

16. In the event of arrangements having been made with a contractor for the sending of an inspector to test meters and, on arrival, the meters are not ready, through the fault of the contractor, and the testing of the meters must be postponed, or in the event of the testing facilities provided by the contractor being of such a character as to render the testing impracticable, or if no testing facilities have been provided, the contractor shall be liable for and shall pay the travelling expenses of the inspector.

Fees Due at Time of Test

17. Irrespective of the results of any test, the inspection fee is due and payable in every case on completion of the test; and in the event of payment being refused, the meter shall be impounded by the inspector until the fee is paid.

Gas Inspection Act—continued

Instructions to Inspectors

General Testing Requirements

18. (1) The standards to be used for inspection work shall be those supplied or approved for use by the Director of Standards.

(2) When testing positive displacement gas meters, the temperature of the liquid in the prover tank, the temperature of the room, the temperature of the air used for testing and that of the meter under test shall be approximately the same during the test.

(3) No meter shall be sealed unless it complies with all the conditions hereinafter prescribed for the classification to which it belongs.

(4) All meters shall be reconditioned, if necessary, and subjected to a leak test, by the contractor before being presented for verification or re-verification; and the meter shall not leak when a pressure is applied to it equal to one pound per square inch (27.86 inches of water) for low pressure meters, or one and one-quarter the maximum service pressure for high pressure meters.

(5) Meters shall be rejected which (a) are dusty or dirty, (b) have clouded or broken glass, (c) have loose solder in the valve chamber, (d) give erratic or inconsistent registration, (e) show evidence of containing liquid, or (f) do not comply with these regulations in all respects.

(6) In the case of a prepayment meter, the contractor shall be responsible for marking the prepayment device to indicate the amount of gas delivered for each coin inserted.

Error of Meter

19. The "error of registration" is the difference between the "registered amount" and the "true amount"; that is, $R - T = e$

where R is the registered amount,
T is the true amount,
e is the error of registration.

It is to be clearly understood that the figure recorded under the heading of "error" in any certificate or field note is in reality a percentage correction factor, which shall be calculated in accordance with the following formula:

$$\text{The field note "error"} = \frac{R - T}{R} \times 100$$

Positive Displacement Gas Meters

20. (1) *Definition*—A "positive displacement gas meter" means any gas meter whose primary metering mechanism displaces a definite volume per cycle.

(2) *Leak Test*—Every meter shall be tested at a pressure of two inches of water and rejected if it shows a leak.

(3) *Accuracy*—The requirements respecting accuracy are as follows:

(a) Every meter shall register steadily and continuously when passing not more than 2 per cent of its rated capacity;

Gas Inspection Act—continued

- (b) No positive displacement gas meter shall be sealed if it shows an "error" of over 2 per cent fast or 3 per cent slow when tested at 50 per cent of its rated capacity or at 150 per cent of its rated capacity at a pressure equal to two inches of water at the meter inlet; nor shall it be sealed if the "errors" found at the two test points differ by more than 2 per cent.

(4) *Register*—The meter shall be equipped with a register consisting of a sufficient number of dials to prevent repeating when the meter is run continuously at its rated capacity for a period of not less than thirty days.

(5) *Auxiliary Attachments*—The requirements respecting auxiliary attachments are as follows:

- (a) Where gas is measured by a positive displacement gas meter at a pressure greater than standard distribution pressure, and pressure is a factor in the computation of billing, then such a meter shall be equipped with an approved recording pressure gauge or other approved device for accurately determining the quantity of gas, at base pressure, which has passed through the meter;

- (b) Where a positive displacement gas meter is equipped with any attachment affecting the registration or its interpretation, the meter shall not be used unless the assembly has been inspected and verified by an inspector to be recorded within the specified tolerance.

(6) *Disputed Meters*—The requirements respecting disputed meters are as follows:

- (a) Every disputed meter shall be subjected to a dial test and shall be rejected if the register is shown to be registering incorrectly;

- (b) Disputed meters shall be subjected to the same tests as required for verification and, in addition, shall be tested at 25 per cent of rated capacity; they shall be rejected if the "error" exceeds 2 per cent fast or 3 per cent slow on any of these tests; and for the purpose of rebate or adjustment, the "error" of the meter shall be taken as the average "error" of the three tests;

- (c) In the case of a dispute involving a positive displacement gas meter with auxiliary attachments, each component shall be subjected to the tests specified for dispute conditions and shall be rejected if the "error" at any test point exceeds the specified tolerance; if the combined "error" of all components exceeds 3 per cent fast or 3 per cent slow, the assembly shall be rejected; and, for the purpose of rebate or adjustment, the "error" of the meter shall be taken as the average overall "error" which shall be computed from the average "errors" of the various components.

Volume-Pressure Gauges

21. (1) *Definition*—A "volume-pressure gauge" is a device used in conjunction with a meter to compute volume in its relation to pressure where the line pressure fluctuates.

(2) *Markings*—The base pressure to which indicated volumes are to be computed shall be marked on the chart.

(3) *Pressure Recording Element*—The pressure recording element shall conform to Specification No. 8 governing recording pressure gauges for orifice gas meters.

Gas Inspection Act—continued

(4) *Accuracy*—Every pressure recording gauge shall be tested at zero, 40 per cent and 75 per cent of full-scale reading, and at the line pressure prevailing at the time of test; it shall be rejected if it shows an error at any point of more than 2 per cent of its full-scale reading.

(5) *Registration*—The volume indicator shall be checked for agreement between the cyclic indication of volume on the chart and the quantity in cubic feet registered on the dial of the meter.

(6) *Charts*—Only charts which have been approved by the Standards Division shall be used for the determination of a charge for gas.

(7) *Disputes*—Where a volume-pressure gauge is involved in the dispute of a meter, it shall be subjected to the same tests and the same tolerances shall apply as in the case of ordinary verification.

Base Pressure Index

22. (1) *Definition*—A “base pressure index” is a device which, when connected to a positive displacement gas meter, automatically multiplies the volume passed by the meter by the ratio of absolute line pressure at the meter to the base pressure, thus registering the volume on the index in terms of base pressure.

(2) *Markings*—The base pressure for which the mechanism of the index is designed shall be marked on the index.

(3) *Accuracy*—The indications of the pressure arm shall be tested at zero, 40 per cent and 75 per cent of full-scale reading, and at the line pressure prevailing at the time of test; the index shall be rejected if it shows an error at any test point of more than 2 per cent of its full-scale reading.

(4) *Registration*—The reading of the index in relation to the revolutions of the shaft driven from the meter register shall be checked with the pressure arm in the 40 per cent and 75 per cent indication positions respectively; and the index reading shall be within 2 per cent of the amount calculated by the following formula:

$$\text{Base pressure index reading} = \text{meter registration} \times \frac{P + A}{P_b}$$

where P = pressure arm reading (corrected)

P_b = base pressure

A = mean atmospheric pressure for the locality in which the meter is installed.

(5) *Disputes*—Where a base pressure index is involved in the dispute of a meter, it shall be subjected to the same tests and the same tolerances shall apply as in the case of ordinary verification.

Base Volume Index

23. (1) *Definition*—A “base volume index” is a device which, when used in conjunction with a positive displacement gas meter, automatically multiplies the volume passed by the meter by two factors: (a) the ratio of absolute line pressure at the meter to base pressure, and (b) the ratio of the absolute base temperature to the absolute flowing temperature of the gas, thus causing the index to register the volume in terms of base pressure and base temperature.

Gas Inspection Act—continued

(2) *Markings*—The base pressure and the base temperature for which the mechanism of the index is designed shall be marked on the meter index.

(3) *Accuracy*—The requirements respecting accuracy are as follows:

- (a) indications of the pressure arm shall be tested at zero, 40 per cent and 75 per cent of full-scale reading, and at the line pressure prevailing at the time of test; the temperature arm shall be tested against a reliable thermometer at three separate points on the scale; the index shall be rejected if it shows an error at any test point of more than 2 per cent of its full-scale reading on either scale;
- (b) the reading of the index in relation to the revolutions of the shaft driven from the meter register shall be checked with the pressure arm and the temperature arm in the 40 per cent indication position, and with the pressure arm and the temperature arm in the 75 per cent indication position; and the index reading shall be within 2 per cent of the amount calculated by the following formula:

$$\text{Base volume index reading} = \text{meter registration} \times \frac{P + A}{P_b} \times \frac{T_b}{T}$$

where P = pressure arm reading (corrected)

P_b = base pressure marked on the nameplate

A = mean atmospheric pressure for the locality in which the meter is installed

T_b = base temperature marked on the nameplate

T = absolute temperature of the flowing gas (i.e. 460 plus temperature arm reading—corrected).

(4) *Disputes*—Where a base volume index is involved in the dispute of a meter, it shall be subjected to the same tests and the same tolerances shall apply as in the case of ordinary verification.

Orifice Gas Meters

24. (1) *Definitions*—In this section,

- (a) “flange taps” means small diameter pipes tapped into the flanges between which the orifice plate is fitted, so as to permit the measurement of the gas pressure on the up-stream and down-stream sides of the orifice;
- (b) “meter” includes all the apparatus required to determine the flow of gas, together with those portions of the pipe line and fittings whose dimensions, form or other characteristics affect the accuracy of the meter;
- (c) “orifice gas meter” means any gas meter through which the quantity of gas being passed is determined from the difference in pressure between the two sides of a thin orifice plate fitted in the pipe line and which contains a sharp-edged circular orifice through which the gas passes;
- (d) “pipe taps” means small diameter pipes tapped into the wall of the pipe at a specified number of main pipe diameters away from the orifice plate, so as to permit the measurement of the gas pressure on the up-stream and down-stream sides of the orifice.

Gas Inspection Act—continued

(2) *Installation*—The requirements respecting installation are as follows:

- (a) before installing an orifice gas meter for the sale of gas, the owner shall notify the inspector when and where the parts to be used may be inspected, and shall provide all reasonable facilities and assistance required in the inspection;
 - (b) previous to the inspection, the orifice flanges shall be screwed, or otherwise permanently connected, to the adjacent sections of pipe.
- (3) *Field Test*—The requirements respecting field tests are as follows:
- (a) any static-pressure gauge shall be checked at zero, 25 per cent, 50 per cent, and 100 per cent of its full-scale reading, and at the line pressure prevailing at the time of test; it shall be rejected if it shows an "error" at any such point of more than 2 per cent of its full-scale reading;
 - (b) any differential-pressure gauge shall be checked at zero, and at 25 per cent, 50 per cent, and 100 per cent of its full-scale reading, and at the maximum differential pressure prevailing in a daily cycle; it shall be rejected if it shows an "error" at any such point of more than 2 per cent of its full-scale reading;
 - (c) the orifice plates shall be examined and a measurement made of the orifice diameter; any plate shall be rejected if it does not meet the requirements of Specification No. 7 for Approval of Type of Orifice Gas Meters and their Installation;
 - (d) charts shall conform to Specification No. 5 for Approval of Type of Charts;
 - (e) the installation shall be examined for conformity with Specification No. 7 for Approval of Type of Orifice Gas Meters and their Installation;
 - (f) each factor used in the formula for calculation of quantity shall be examined for agreement with the conditions under which the gas is supplied to the installation, and the inspector shall ascertain that the value used has been correctly calculated or extracted from the tables; provided that the effect of gravity shall be taken as being standard gravity as defined in section 37;
 - (g) a certificate shall be issued if the meter and installation satisfy paragraphs (a), (b), (c), (d), (e), and (f) preceding;
 - (h) the intent of these regulations is that the contractor's computed value for the delivery of any orifice gas meter shall not differ from the value obtained by strict application of the methods of computation prescribed in Specification No. 7 by more than 3 per cent, taking into account the errors of the various components used in the installation; where the inspector is in any doubt as to whether this tolerance is exceeded, he shall refer the matter to the Director of Standards;
 - (i) if the owner of an orifice gas meter desires to make more frequent checks and adjustments than are prescribed herein, he shall use for that purpose instruments which have been approved by the Director of Standards; the inspector shall be satisfied that the accuracy of such instruments has been maintained;

Gas Inspection Act—continued

- (j) an inspector may check any orifice gas meter and its installation at any reasonable time and without notice; if the meter or installation is not in accordance with the records, it shall be repaired by the contractor immediately or removed from service;
- (k) the District Inspector shall be advised of any changes or repairs which are made to the metering installation.

(4) *Disputed Meters*—In the event of the accuracy of an orifice gas meter being disputed, the inspector shall examine the installation for conformity to Specification No. 7 and shall test each component in accordance with the appropriate field tests as laid out in this section; if the tests indicate that subsection (3) (h) of this section has been complied with, the installation shall be accepted as correct; otherwise, it shall be rejected and a rebate made in accordance with subsection (7) of section 25 following.

Disputed Meter Procedure

25. (1) *Fee*—In the case of a disputed meter test being requested under the provisions of section 10 of the Gas Inspection Act, the complainant shall deposit the amount of the inspection fee with the inspector; the inspector shall then, after due notice has been given to both parties, carry out the tests prescribed for the particular class of meter concerned; if the meter fails to comply with the prescribed tests, the fee deposited shall be refunded and collected from the owner of the meter; if, however, it is found to meet satisfactorily the prescribed tests, the complainant shall forfeit the fee unless the meter proves to be out-of-date as to inspection period, in which case the owner shall pay the fee.

(2) *Expense*—Any cost, other than the inspection fee, involved in the test of an installation to settle a dispute instituted by a purchaser shall be borne by the party against whom the decision is given, but if the disputed test is instituted by the contractor, he shall pay all such expenses regardless of the outcome of the test.

(3) *Right of Representation*—Both parties to the dispute shall have the right to be represented during a disputed meter test, but no interference with the inspector as to the carrying out of the test shall be permitted.

(4) *Sealed Meters*—The requirements respecting sealed meters are as follows:

- (a) the meter shall be tested with the seal intact;
- (b) if the meter is found correct, the seal shall be left intact unless it is out-of-date;
- (c) if the error of the meter exceeds the limits prescribed for the particular class of meter concerned on any of the accuracy tests, the seal shall be broken by the inspector unless the representative of either party present at the test gives to the inspector at the conclusion of the test a notice, in writing, expressing his dissatisfaction with the finding of the inspector and requesting him to refer the matter to the Director of Standards, in which case the seal shall be left intact pending the instructions of the Director of Standards; either party may also make representations to the Director of Standards but, if no representations are received by the Director of Standards within one week of the date of the test, he shall make his decision on such facts as are before him.

Gas Inspection Act—continued

(5) *Unsealed Meters*—If, in the case of a meter authorized for use unsealed, the error of the meter exceeds the limits prescribed for the particular class of meter concerned, and the representative of either party present at the test expresses his dissatisfaction, in writing, with the finding of the inspector, the inspector shall refer the matter to the Director of Standards; the inspector shall furnish the Director of Standards with a complete report of the test, together with all data on the equipment under dispute and the calculations used to arrive at the error; either party may also make representations to the Director of Standards but, if no representations are received by the Director of Standards within one week of the date of the test, he may make his decision on such facts as are before him.

(6) *Incorrect Accessories*—In the event of a meter installation being rejected because of incorrect installation, faulty auxiliary equipment or use of an incorrect multiplier, but in which the meter itself records within the specified tolerances, then such meter may continue in use for the balance of its legal period provided the error in the installation, auxiliary equipment or multiplier has been corrected.

(7) *Adjustment of Account*—If, in a disputed meter test, a meter is found to register with an error at any test point greater than that permitted by these regulations and the provisions of subsection (6) of section 10 of the Gas Inspection Act do not apply, the party aggrieved by such error shall be entitled to an adjustment of the account in accordance with the average error found; and, in calculating an adjustment, unless the time at which the fault occurred is clearly indicated by past meter readings or other information,

- (a) if the meter is found to have been incorrectly connected, the error shall be deemed to have existed from the time of such incorrect installation;
- (b) if it is found that an incorrect multiplier has been used, the error shall be deemed to have existed during the whole period in which such multiplier has been in use;
- (c) if it is found that an incorrect register has been used, the error shall be deemed to have existed during the whole period in which such register has been in use.

PART III—CALORIFIC VALUES AND TESTS

Standard Calorific Values

26. (1) The requirements of this Part shall apply only when gas is sold by heat units or is represented as containing specified calorific values.

(2) Notwithstanding subsection (1), an inspector may test the calorific value of gas sold by quantity upon request by the contractor or a purchaser and upon deposit of the required fee.

27. (1) Every contractor applying for a certificate of registration in accordance with the provisions of the Gas Inspection Act shall state, on a form furnished by the Department, the minimum calorific value of the gas in British Thermal Units per standard cubic foot which he proposes to supply during the following twelve months.

(2) Where a contractor supplies gas to more than one distribution system, he shall each year declare the minimum calorific value to be sent out for each distribution system for the ensuing year.

Gas Inspection Act—continued

Departmental Tests

28. (1) The gas supplied by any contractor shall be subject to calorific tests by an Inspector of the Standards Division at such times and at such places as the Director of Standards may require according to the following table:

TABLE		Required Tests
Number of Meters in Use		per month
Less than 1,000		2
More than 1,000 and less than 2,000		4
More than 2,000 and less than 5,000		8
More than 5,000 and less than 10,000		12
More than 10,000		20

(2) Fees for such tests shall be according to the “Schedule of Inspection Fees for the Testing of Gas and Gas Meters.”

Contractor’s Tests and Reports

29. Where Departmental calorific tests are not made, every contractor having more than 2,000 meters who supplies manufactured, reformed or mixed gas shall test its calorific value at least as often as laid out in the Table in section 28 and shall furnish the District Inspector having jurisdiction with a monthly record of such calorific tests, no two tests to be made on the same day.

Approved Calorimetric Apparatus

30. (1) All measurements of the calorific value of gas shall be made with a calorimeter which yields the total heat developed by the complete combustion of saturated gas in saturated air; results of the test shall be expressed in British Thermal Units per standard cubic foot of gas as defined in section 37.

(2) Measurements of the total heating value of the gas in accordance with the Table in section 28 shall be made with standard apparatus specified and provided by the Director of Standards.

Location of Calorimeters

31. Every departmental calorimeter test station shall be located at a point on the distribution system where the gas tested will be representative of the average calorific value supplied to customers in that district, and the supply line to the calorimeter shall be sufficiently short and of such size as to ensure a gas sample which is representative of that flowing in the main at the time of test.

Connections and Supply

32. The contractor shall supply and install all pipe and fittings, in a manner approved by the Director of Standards, for connecting the departmental calorimeter to the distribution system and shall supply all gas required for tests of calorific value free of charge.

Gas Inspection Act—continued**PART IV—SALE OF GAS***Measurement*

33. (1) Gas may be sold by quantity or by heat units.

(2) Gas when sold by quantity shall be sold by the cubic foot which may be determined in either of the following manners:

- (a) under the actual conditions of temperature, pressure and saturation prevailing from time to time at the meter; or
- (b) according to a base temperature, pressure or saturation declared in the contract of sale between the contractor and purchaser.

(3) Gas when sold by heat units shall be sold by the British Thermal Unit determined as being the amount of heat required to raise one pound of distilled water from 60° Fahrenheit to 61° Fahrenheit; and, when so sold, the true calorific value shall be declared and maintained by the contractor.

Delivery Through Orifice Meters

34. In calculations associated with orifice gas meters,

- (a) the unit of time shall be the mean solar second, and
- (b) the effect of gravity at the point at which the meter is installed shall be taken as being standard gravity, as defined in section 37.

Pressure

35. The pressure at which gas is supplied shall be stated in the contract of sale between the contractor and purchaser in either

- (a) inches of water or ounces per square inch above atmospheric pressure (low pressure system), or
- (b) pounds per square inch above atmospheric pressure (high pressure system).

PART V—STANDARDS OF MEASUREMENT*Unit of Measure of Quantity*

36. The cubic foot, required by the Gas Inspection Act to be used as the unit of measure for the sale of gas by quantity, shall be determined as being the space occupied by 62·288 pounds of distilled water weighed in air at a temperature of 62° Fahrenheit and a barometric pressure of 30 inches of mercury.

Standard Cubic Foot of Gas

37. The standard cubic foot of gas shall be determined as being the quantity of gas contained in a cubic foot when the gas is at standard temperature and standard atmospheric pressure, defined as follows:

- (a) *standard temperature* shall be taken as 60° Fahrenheit, being 520° Fahrenheit above absolute zero;
- (b) *standard atmospheric pressure* shall be taken as the pressure exerted by a column of mercury 30 inches in height, the temperature of the mercury being 32° Fahrenheit, and under standard gravity, being 32·17 feet per second per second.

Gas Inspection Act—concluded*Instruments and Apparatus*

38. All instruments and apparatus indicating volume, pressure, temperature or specific gravity, which are used for inspection purposes, shall be calibrated in relation to the appropriate fundamental standards maintained by the National Research Council, and all inspectors shall take cognizance of the errors shown in such calibration.

Standards

39. For inspection purposes there shall be maintained:

- (a) the primary standard of gas volume, being a bottle having a volume of 1 cubic foot, and reference standards for the measurement of volume, temperature, pressure and specific gravity, maintained in the laboratory of the Standards Division, Department of Trade and Commerce and calibrated under the Weights and Measures Act;
- (b) local or working standards for the measurement of volume, temperature, pressure and specific gravity, calibrated with the reference standards.

Testing of Secondary Standards

40. All reference standards shall be calibrated as necessary and in any event at intervals not greater than five years; local or working standards shall be compared with the reference standards as necessary and in any event at intervals not greater than five years; all local standards shall be kept in good repair and proper working order by the District Inspector to whom they have been assigned.

GOLD EXPORT ACT. (R.S.C., 1952, c. 131)**Gold Export Licence Regulations**

P.C. 1954-1499

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Gold Export Act, is pleased to order as follows:

1. The Gold Export Licence Regulations, established by Order in Council P.C. 18 of 5th January, 1948, are hereby revoked; and
2. The annexed "Gold Export Licence Regulations" are hereby made and established in substitution for the regulations hereby revoked.

Gold Export Act—concluded

REGULATIONS MADE PURSUANT TO THE GOLD EXPORT ACT

1. These regulations may be cited as the *Gold Export Licence Regulations*.

2. (1) In these regulations,

(a) "Act" means the *Gold Export Act*; and

(b) "Minister" means the Minister of Finance.

(2) For the purposes of the Act and these regulations, "bullion" includes

(a) base bullion,

(b) unmanufactured minerals containing gold,

(c) ore containing gold,

(d) ore concentrates containing gold, and

(e) any other article or thing containing gold that is exported for commercial purposes, where the value of the gold contained therein, would, if it were refined as fine gold, exceed seventy per cent of the value of the article or thing.

(3) For the purposes of these regulations the value of an article or thing that is to be exported is the actual amount received or to be received in terms of Canadian dollars, exclusive of all charges, by way of payment for the article or thing exported and, if no payment has been or is to be received, is the fair market value of the article or thing in terms of Canadian dollars.

3. The export of gold, whether in the form of coin or bullion, from Canada is prohibited, except in such cases as may be deemed desirable by the Minister and under licences issued by him.

4. A licence issued by the Minister under these regulations shall be in Form A.

5. A licence issued under these regulations shall be presented to the Collector of Customs and Excise at the port of exit with the Export Entry and shall be endorsed by the Collector at that port indicating the date of actual export and shall be forwarded by him under separate cover to the Deputy Minister of National Revenue for Customs and Excise, Ottawa, after noting the licence number on the copies of the Export Entry retained at the port.

6. In order to ensure the carrying out of the provisions and intent of the Act and the effective administration of these regulations, the Minister may, from time to time, issue instructions for the guidance of officers and employees in the Customs Division of the Department of National Revenue, the Commissioner, officers and men of the Royal Canadian Mounted Police, and officers and employees in the Post Office Department.

GOVERNMENT ANNUITIES ACT. (R.S.C., 1952, c. 132)**Government Annuities Regulations**

P.C. 1954-1844

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and by virtue of the powers conferred by the Government Annuities Act, is pleased to order as follows:

1. The Government Annuities Regulations, 1949, established by Order in Council P.C. 5842 of 17th November, 1949, as amended, and the regulations relating to the conversion of deferred annuity contracts established by Order in Council P.C. 4243 of 7th September, 1950, are hereby revoked; and
2. The annexed "Government Annuities Regulations" are hereby made and established in substitution for the regulations hereby revoked.

GOVERNMENT ANNUITIES REGULATIONS

1. These regulations may be cited as the *Government Annuities Regulations*.

2. In these regulations and in any document or table or rates authorized or approved thereunder,

- (a) "Act" means the Government Annuities Act;
- (b) "application" means a document, approved as to form in accordance with section 6, completed and submitted to the Department or Branch by the intended purchaser of an annuity contract;
- (c) "Branch" means the Annuities Branch of the Department;
- (d) "Department" means the Department of Labour;
- (e) "Director of Annuities" means the officer of the Branch so designated;
- (f) "effective date" as applicable to an annuity contract, unless otherwise defined therein, means the date on which the first premium payment is made;
- (g) "formal contract" means a document, approved as to form and executed in accordance with section 6, issued to a purchaser as evidence of annuity contract entered into under the Act; and
- (h) "formal endorsement" means an endorsement, written upon or attached to a formal contract before or after issue, with the consent of the contracting parties and executed in accordance with section 6.

3. (1) The rate of interest to be used in the computation of values in tables for determining the values of annuities shall be three and one-half per cent per annum compounded annually.

(2) The rate of interest to be used in calculating liability in respect of any annuity under section 15 of the Act shall be

Government Annuities Act—continued

- (a) where the annuity was purchased on one table of values, the rate of interest at which the purchase price thereof was calculated; and
- (b) where the annuity was purchased under subsection (3) of section 6 of the Act and on more than one table of values, the rate of interest for determining the values of annuities at the date on which the annuity vests.

4. (1) The Mortality Table to be used for determining the value of annuities shall be the British Annuity Tables appearing in "The Mortality of Annuitants 1900-1920", published on behalf of the Institute of Actuaries and the Faculty of Actuaries in Scotland, 1924, known as "*a (f)* and *a (m)* tables", with a reduction of three years in age.

(2) The tables to be used for determining the value of annuities shall be the tables approved by Order in Council P.C. 1899, of 31st March, 1952, prepared from the Mortality Table specified in subsection (1), with interest at three and one-half per cent per annum, compounded annually.

(3) The Mortality Table to be used in calculating liability in respect of any annuity under section 15 of the Act shall be the Mortality Table specified in subsection (1).

5. (1) Notwithstanding sections 3 and 4,

- (a) where a person prior to the 19th day of April, 1948, ceased to be employed by an employer who entered into a contract pursuant to subsection (3) of section 6 of the Act, received from the Minister a statement of the annuity payable to him under the contract containing the following words:

"This contract witnesseth further that in consideration of the payment of premiums in any other manner than above indicated, such annuity shall be paid at the date of maturity of this contract as such premiums will purchase according to the rates of mortality and interest in effect on the date of inclusion of the annuitant under the Group Annuity Contract, provided, however, that the total annuity payable to the Annuitant hereunder and under any other Canadian Government Annuity Contracts shall not exceed \$1,200.00 per year."

or words to the like effect; or

- (b) where a person was included as an employee under such a contract made prior to the 19th day of April, 1948, and the contract or the agreement between the employer and his employees pursuant to which the contract was made included the following provision:

"Termination of Employment"

"If for any reason other than his death a member should cease to be employed by the employer before his Normal Retirement Date, the total of the contributions which he has made under the Plan will remain at his credit with the Government, to provide him with an annuity commencing at Normal Retirement Date, or any earlier

Government Annuities Act—continued

anniversary thereof. The member will have the privilege of continuing contributions in order to increase the amount of his annuity."

or words to the like effect;

and such person purchased or purchases on his own life an annuity with the same day of commencement and duration as that of the annuity payable to him under the contract referred to in paragraph (a), the rate of interest and the mortality table for computing the purchase price of the annuity purchased by that person shall be the rate of interest and the mortality table authorized for use in computing the purchase price of annuities on the date of his inclusion as an employee under the contract referred to in paragraph (a).

(2) Subsection (1) applies only if the total annuities payable to a person under the contracts referred to therein would not exceed the maximum amount authorized for payment to any person under the Act at the date of the inclusion of that person as an employee under the contract referred to in paragraph (a) of subsection (1).

6. The forms of applications and formal contracts and the terms therein contained shall be such as are approved by the Governor in Council and all formal contracts when issued and all formal endorsements added thereto shall be signed by, or bear a facsimile or lithographed signature of the Minister or Deputy Minister and be countersigned by such officer or officers of the Branch as the Minister may direct.

7. The agents permanently appointed to assist in executing the provisions of the Act, and their remuneration, shall be such as are recommended by the Minister and approved by the Governor in Council; but the Minister may appoint such temporary agents as in his opinion are required, and on such terms as are specified by him.

8. The age, identity, existence, death, residence or domicile of persons shall be proven by submission of such documents or other evidence as the Minister requires or directs.

9. The purchaser of a deferred annuity may make payments at an accounting Post Office and when so doing shall be furnished with a passbook in form approved by the Minister and the postal employee who receives the payments shall enter records thereof in the passbook when the payments are made.

10. All annuities shall be paid monthly unless otherwise agreed upon by the purchaser and the Minister.

11. Moneys repayable under subsection (1) of section 12 of the Act, may, at the request of the person entitled to payment and with the concurrence of the Minister, be paid in instalments, but no interest shall accrue or be payable on the said moneys or on any part thereof after the date of death of the annuitant or last survivor of joint annuitants.

12. (1) Where the effective date of a deferred annuity contract is earlier than the 19th day of April, 1948, the purchaser may

(a) if the contract is for an annuity on the life of one annuitant only by instrument in writing received by the Minister at least five years before the annuity is to become payable elect that

Government Annuities Act—continued

the annuity be altered to provide an annuity for the life of the annuitant, or for a term of years certain not exceeding twenty years or the life of the annuitant, whichever period is the longer, and the annuity or the premium shall be recalculated to take into account the new terms; or

- (b) by instrument in writing to and with the concurrence of the Minister elect to have the annuity payable on a future day one or more full years before the day on which the annuity is payable under the contract, the annuity or the premium shall be recalculated to take into account such change, except that where the contract has been altered pursuant to paragraph (a) no election may be made under this paragraph to have the annuity payable earlier than five years after the instrument was received by the Minister.

(2) The provisions of subsection (1) shall be deemed to be a condition of every contract to which subsection (1) applies.

13. The Minister may enter into an agreement to vary the terms of a contract for the payment of an annuity entered into under the Act or other authority of Parliament, as follows:

- (a) in any case where the contract for the payment of the annuity was not entered into pursuant to subsection (3) of section 6 of the Act,
 - (i) where the person who entered into the contract applies therefor to the Minister, to vary the terms of the contract so that the annuitant shall be placed in the same position as if he were the purchaser;
 - (ii) where the person who entered into a contract to purchase a deferred annuity under paragraph (a) of section 4 of the Act, applies therefor to the Minister before the annuity becomes payable, to vary the terms of the contract to provide for an annuity of not more than four hundred and eighty dollars and payable for the period between the date of maturity of the contract and a date within the seventy-first year of the life of the annuitant, provided the annuitant shall so long live;
 - (iii) where the person who entered into a contract to purchase a deferred annuity under paragraph (b) of section 4 of the Act applies therefor to the Minister before the annuity becomes payable, to vary the terms of the contract so that the annuity will be payable on the life of one annuitant only;
 - (iv) where the remaining instalments of annuity are payable to the legal representatives of a deceased person, and the said legal representatives apply therefor to the Minister, to pay the remaining instalments of the annuity to a designated person and his legal representatives;
 - (v) where the person who entered into the contract applies therefor to the Minister before the annuity becomes payable, to vary the terms of the contract to provide for an annuity the amount of which decreases on a specified day, and under which there may be paid an annuity greater than the maximum permitted under the Act between the due date of the first

Government Annuities Act—continued

instalment of annuity and the said day, but in no case shall the annuity agreed to be paid exceed the actuarial equivalent of a constant annuity for the maximum amount so permitted in respect of the annuitant having the same date of commencement and the same term certain, if any, as the annuity payable under the contract; and

- (vi) in any other case, in such manner as the Minister deems advisable and Treasury Board approves;
- (b) where the contract was entered into pursuant to subsection (3) of section 6 of the Act, to provide that the purchaser may, by instrument in writing received by the Minister before the day of commencement of an annuity payable to an annuitant or registered employee, elect
- (i) that the annuity shall be payable in accordance with any optional type of annuity described in the contract;
 - (ii) that an annuity otherwise payable in accordance with paragraph (a) of section 4 of the Act, shall be payable to the annuitant or registered employee in accordance with paragraph (b) of section 4 of the Act;
 - (iii) that an annuity otherwise payable in accordance with paragraph (b) of section 4 of the Act, shall be payable to the annuitant or registered employee in accordance with paragraph (a) of section 4 of the Act;
 - (iv) to be paid an annuity the amount of which decreases on a specified day and under which there may be paid an annuity greater than the maximum permitted under the Act between the due date of the first instalment of annuity and the said day, but in no case shall the annuity agreed to be paid exceed the actuarial equivalent of a constant annuity for the maximum so permitted in respect of the registered employee having the same date of commencement and the same term certain, if any, as the annuity payable under the contract; or
 - (v) that an annuity otherwise payable in accordance with paragraph (a) of section 4 of the Act, shall provide for an annuity of not more than four hundred and eighty dollars and payable for the period between the date when the annuity becomes payable under the contract and a date within the seventy-first year of the life of the annuitant or registered employee, provided the annuitant or registered employee shall so long live;
- (c) where the contract was entered into pursuant to subsection (3) of section 6 of the Act, and the purchaser applies therefor to the Minister, to provide
- (i) for a change in the commencement date of the annuity to be paid to an annuitant or registered employee;
 - (ii) for an increase or decrease in the premium payments to be made with respect to an annuitant or registered employee;
 - (iii) for a change in the conditions whereby premium payments are credited to the accounts of any or all annuitants or registered employees; or

Government Annuities Act—continued

(iv) that an annuitant or registered employee shall be placed in the same position with respect to the annuity payable or to become payable to him as if he were the purchaser; and

(d) where the contract was entered into pursuant to subsection (3) of section 6 of the Act, in any case not provided for in this section, in such manner as the Minister deems advisable and Treasury Board approves.

14. The Minister may enter into an agreement to substitute another contract for a contract for the payment of an annuity entered into under the Act or other authority of Parliament, as follows:

(a) in any case where the contract for the purchase of the annuity was not entered into pursuant to subsection (3) of section 6 of the Act,

(i) where two persons have entered into the contract and those two persons apply to the Minister to delete the name of one of the purchasers from the contract, to substitute another contract for the original contract, in the name of one purchaser bearing the same effective date as the original contract, and

(ii) in any other case, in such manner as the Minister deems advisable and Treasury Board approves; and

(b) in any case where the contract was entered into pursuant to subsection (3) of section 6 of the Act.

(i) where the purchaser ceases to employ registered employees, either in whole or in part, by reason of having disposed of the whole or any part of his undertaking or business and any of the registered employees become employees of the person to whom the purchaser has disposed of his undertaking or business, to provide that the person to whom the purchaser has disposed of his undertaking or business shall stand in the stead of the purchaser and all the rights of the registered employees shall continue as if the undertaking or business or any part thereof had not been disposed of, and

(ii) in any other case, in such manner as the Minister deems advisable and Treasury Board approves.

15. The Minister may enter into a contract to provide for the payment of an annuity the amount of which decreases on a day specified in the contract and under which there may be paid an annuity greater than the maximum permitted under the Act between the due date of the first instalment of annuity and the said day, but in no case shall the annuity agreed to be paid exceed the actuarial equivalent of a constant annuity for the maximum amount so permitted in respect of the annuitant, having the same date of commencement and the same term certain, if any, as the annuity payable under the contract.

16. (1) The Minister may enter into an agreement with the purchaser to vary the terms of a contract or to include a term in a contract for the payment of an annuity entered into pursuant to subsection (3) of section 6 of the Act, to provide that, where an employee has retired or has otherwise ceased to be employed by his employer and the employer and employee premiums then held for his account are not sufficient to purchase, pursuant to such options as are available to him, an annuity on his life of one hun-

Government Annuities Act—concluded

dred and twenty dollars a year commencing at normal retirement date, the employee may, at a time stipulated in the agreement, surrender his rights to receive an annuity under the contract in consideration of a single payment being made to him, without interest, of the employee premiums and such employer premiums as may be unconditionally held for his account.

(2) Where an agreement is entered into in accordance with subsection (1) it shall provide that an employee shall not be permitted to make an election thereunder where such election would result in a forfeiture of any employer premiums which would otherwise vest in him at retirement.

17. (1) Notwithstanding anything in these regulations, where the Minister has under the Act entered into a contract, the effective date of which is later than the 31st day of May, 1920, for payment of a deferred annuity to two persons during their joint lives with continuation to the survivor and one of them dies before the annuity becomes payable, such contract shall, on application in writing by the survivor received by the Minister, be converted into a contract for the payment of an annuity to the said survivor of an amount not exceeding the maximum that might have been paid to him under the original contract.

(2) Where conversion of a contract is made under subsection (1), the premium shall be recalculated in accordance with the rate of interest and the mortality tables that were in effect at the time the contract was entered into and that would have been applied if the survivor had been the sole annuitant thereunder.

(3) The conversion of a contract under subsection (1) may be effected by endorsement written upon or attached to the original contract and executed in accordance with section 6.

(4) Notwithstanding anything in this section, subsection (1) does not apply to contracts designated or engrossed as a deferred last survivor annuity contract, Plan B.

GOVERNMENT EMPLOYEES COMPENSATION ACT.

(R.S.C., 1952, c. 134)

Government Employees Compensation Regulations

P.C. 1954-1205

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of August, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred by section 7 of the Government Employees Compensation Act, is pleased to order as follows:

1. The Government Employees Compensation Regulations, 1952, established by Order in Council P.C. 4411 of 5th November, 1952, are hereby revoked; and

Government Employees Compensation Act—concluded

2. The annexed "Government Employees Compensation Regulations" are hereby made and established in substitution for the regulations hereby revoked.

THE GOVERNMENT EMPLOYEES COMPENSATION REGULATIONS

1. These regulations may be cited as the *Government Employees Compensation Regulations*.

2. An employee who is disabled by reason of a disease that is not an industrial disease but is due to the nature of his employment and peculiar to or characteristic of the particular process, trade or occupation in which he is employed at the time the disease was contracted and the dependants of a deceased employee whose death is caused by reason of such a disease, are entitled to receive compensation at the same rate as they would be entitled to receive under the *Government Employees Compensation Act* if the disease were an industrial disease, and the right to and the amount of such compensation shall be determined by the same board, officers or authorities and in the same manner as if the disease were an industrial disease.

3. Where in his opinion employees are exposed to the hazard of an industrial disease or a disease described in section 2, the Deputy Minister of National Health or a person authorized by him for that purpose may recommend such preventative and control measures as he deems necessary and may advise such officers of the employing department or agency of the Government of Canada as he deems appropriate that such measures should be instituted and maintained.

4. The Minister may, by arrangement with appropriate officers of the Department of National Health and Welfare, the Department of Veterans Affairs or any other department or agency of the Government of Canada, provide for the use of the services of medical and other health officers or other services of any such department or agency that may be required in dealing with or disposing of claims for compensation under the *Government Employees Compensation Act* or these regulations including, without restricting the generality of the foregoing, medical examinations of persons claiming compensation.

GOVERNMENT HARBOURS AND PIERS ACT. (R.S.C., 1952, c. 135)

	Page
1. <i>Government Wharves Regulations</i>	1831
2. <i>Tariffs of Tolls, Government Wharves</i>	1838

1. Government Wharves Regulations

P.C. 1954-1683

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the Government Harbours and Piers Act, is pleased to order as follows:

Government Harbours and Piers Act—continued

1. The Regulations for the use and management of Government wharves in Canada and tariff of tolls and dues leviable in connection therewith, established by Order in Council P.C. 5244 of 18th October, 1949, as amended, are hereby revoked; and

2. The annexed "Regulations for the use and management of Government wharves in Canada" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE USE AND MANAGEMENT OF
GOVERNMENT WHARVES IN CANADA

Short Title

1. These regulations may be cited as the *Government Wharves Regulations*.

Interpretation

2. In these regulations.

- (a) "Act" means the *Government Harbours and Piers Act*;
- (b) "Canadian fishing vessel" means a Canadian ship, as defined in the *Canada Shipping Act*, while employed exclusively in fishing;
- (c) "goods" means any movable or personal property, other than a vessel, and includes an animal;
- (d) "Minister" means the Minister of Transport;
- (e) "side wharfage" means the charge for mooring a vessel to a wharf;
- (f) "ton" means two thousand pounds;
- (g) "top wharfage" means the charge for placing goods on a wharf or for loading goods on or unloading goods from a vessel at a wharf;
- (h) "vessel" includes any ship or boat or any other description of vessel used or designed to be used in navigation;
- (i) "wharf" means a work that is placed by the Act under the control and management of the Minister and includes any structure erected upon or attached to the work;
- (j) "wharfage" includes side wharfage and top wharfage; and
- (k) "wharfinger" means a person appointed under the Act to have charge of and to collect the wharfage in respect of a wharf.

Application

3. Sections 7 and 8 do not apply to wharves in harbours where a harbour master has been appointed under Part X of the *Canada Shipping Act*.

4. In applying sections 23, 25 and 32 to a wharf in respect of which no wharfinger has been appointed, the word "wharfinger" shall be deemed to mean "district marine agent", for the district in which the wharf is located.

Goods on Wharf

5. Except as permitted by the Minister, no person shall place on a wharf any goods not being

- (a) goods intended for conveyance by vessel from the wharf,

Government Harbours and Piers Act—continued

- (b) goods conveyed by vessel to the wharf,
 - (c) goods for the use of vessels, or
 - (d) goods intended for use in connection with the shipping of goods.
6. No person shall place any goods,
- (a) on or near the snubbing posts of a wharf, or
 - (b) in such a manner upon a wharf as to obstruct access to or thoroughfare on the wharf.
7. Except as permitted in writing by the wharfinger, no person shall place any explosive goods on a wharf in respect of which a wharfinger has been appointed.
8. No person shall leave explosive goods on a wharf for a longer period than six hours, and no person shall leave explosive goods on a wharf unless the goods are adequately covered and protected.
9. No person shall bring a live animal onto a wharf except
- (a) an animal working on the wharf in connection with the loading or unloading of a vessel or the carting of goods, or
 - (b) an animal being conveyed to or from a vessel in charge of a competent person.
10. (1) Except as permitted by the wharfinger, no person shall make or dress any mast or spar or do any carpentry on a wharf in respect of which a wharfinger has been appointed.
- (2) No person shall make or dress any mast or spar or do any carpentry on a wharf in respect of which no wharfinger has been appointed in such a manner as to obstruct access to or thoroughfare on the wharf.
11. No person shall attach any fish net or any other thing not connected with the business of a wharf to a wharf so as to hinder any person in the proper use of the wharf.
12. No person shall place upon a wharf any dirt, oil, sweepings or rubbish or dump any such thing in the water from a wharf.
13. (1) Except as permitted by the wharfinger, no person shall place an oil or gasoline container upon a wharf in respect of which a wharfinger has been appointed.
- (2) No person shall place an oil or gasoline container upon a wharf in respect of which no wharfinger has been appointed unless an adult person is in charge of it at all times when it stays on the wharf.
- (3) Except where there is no wharf with a fixed pump within a mile or such other distance as may be prescribed by the Minister, no person shall have gasoline or diesel fuel oil taken onto a vessel by means of a hand pump from a container on the wharf.
- (4) Persons conducting upon a wharf any fueling operations in respect of a vessel shall comply with the law of the province where the wharf is situated respecting such fueling operations.

Vehicles

14. No person shall drive any vehicle on a wharf, except
- (a) for the purpose of taking persons to or from a vessel,
 - (b) while employed in loading or unloading a vessel, or
 - (c) in carting goods in connection with a vessel.

Government Harbours and Piers Act—continued

15. No person shall place a vehicle on a wharf in such a manner as to obstruct the access to or thoroughfare on the wharf.

16. No person shall, on a wharf,

(a) ride or drive a horse faster than a walk,

(b) drive a motor vehicle at a speed exceeding ten miles an hour, or

(c) drive any vehicle recklessly, negligently or at a speed or in a manner dangerous to the public.

17. The driver of any vehicle drawn by an animal on a wharf shall remain beside the animal, except when loading or discharging the vehicle, and shall at all times keep the animal under his control.

Vessels

18. The lines fastening a vessel to a wharf shall not cross the wharf or be attached to anything other than the fastenings provided for the purpose.

19. A vessel lying at a wharf shall, from sunset to sunrise, exhibit a white light at each end of the vessel at a height not exceeding six feet above the deck.

20. A vessel loading or unloading from or onto a wharf or another vessel at the wharf shall have a good tight save-all stage or spout to prevent any portion of its cargo from falling into the water.

21. Subject to section 22, vessels at a wharf to discharge cargo take precedence over vessels to load.

22. A vessel carrying Her Majesty's mail is entitled to a preference of berths at a wharf.

23. As soon as possible after a vessel that normally carries cargo has taken berth at a wharf, the person in charge of the vessel shall make under his signature to the wharfinger a report of the cargo to be landed, or if there is no such cargo, a declaration that there is no cargo to land.

24. No person shall obstruct, importune or annoy any person embarking on or landing from a vessel at a wharf.

Wharfage

25. Subject to the Act and these regulations, wharfage becomes due

(a) at the rate set out in the Schedule

(i) in respect of goods, when the goods are placed on a wharf, and

(ii) in respect of a vessel, when it is moored at the wharf, and

(b) at half the rate in the Schedule in respect of goods loaded on or unloaded from a vessel moored at a wharf without being placed on the wharf,

and such wharfage is payable to the wharfinger.

26. (1) Goods that are not removed from a wharf within forty-eight hours from the time of being placed there are liable, in addition to wharfage, to the storage charges set out in the Schedule, and such charges are payable to the wharfinger.

Government Harbours and Piers Act—continued

(2) When space is allotted on a wharf for the storage of goods, the person to whom the space is allotted shall pay the wharfinger ground rent at the rate set out in the Schedule, and notwithstanding subsection (1), goods left on the allotted space are not liable to the storage charges provided for in subsection (1).

27. Sections 25 and 26 do not apply to a wharf that is leased by authority of, or in respect of which a special tariff of tolls and dues has been made by, the Governor in Council.

Structures

28. (1) Except as permitted by the Minister, no person shall erect upon or attach to a wharf any structure.

(2) The owner of a structure erected upon or attached to a wharf shall pay ground rent as determined by the Minister.

Exemptions

29. (1) Every Canadian fishing vessel is exempt from side wharfage except at wharves specified by the Minister.

(2) The following are exempt from top wharfage:

- (a) supplies or equipment for use on a Canadian fishing vessel when loaded on or unloaded from such vessel, and
- (b) such vessel's catch of fish when unloaded from the vessel.

30. No wharfage is payable in respect of

- (a) any vessel owned by the Government of Canada, a province, or any other country, that is not engaged in trade, or
- (b) any goods carried or to be carried by such a vessel.

31. Side wharfage is payable in respect of a vessel only for the first time it uses the wharf on any one day.

Wharfinger

32. (1) The wharfinger has the operation, administration and management of the wharf and he may post such signs and give such orders, either orally or in writing, in connection with the business of the wharf as he sees fit.

(2) No person shall contravene

- (a) the order of a wharfinger made under subsection (1), or
- (b) the directions or instructions on any sign posted under subsection (1).

(3) Where a vessel or goods are not removed from a wharf when so ordered by the wharfinger, the wharfinger may have the vessel or goods removed from the wharf at the owner's expense.

(4) Notwithstanding subsection (1) where a wharf is situated in a harbour in respect of which a harbour master has been appointed, an order of the harbour master shall prevail over an order of a wharfinger.

33. No person shall hinder, oppose, molest or obstruct a wharfinger or any of his assistants in the discharge of their duties.

Government Harbours and Piers Act—continued

Penalties

34. Where a vessel does not conform with any provision of these regulations, the owner and the person in charge of the vessel are deemed to have violated these regulations.

35. A person who makes a false declaration in the report required by section 23 is liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.

36. A person who violates any provision of these regulations for which no other penalty is provided in these regulations is liable to a fine not exceeding fifty dollars.

SCHEDULE

TOP WHARFAGE

1. Charges for goods placed on a wharf or loaded or unloaded at a wharf:

<i>Item</i>	<i>Description of Goods</i>	<i>Unit Base</i>	<i>Rate in Cents</i>
(1)	All goods except as listed below:		
	(a) Goods with cubic contents less than 40 cubic feet per ton.....	ton	25
	(b) Goods with cubic contents equal or greater than 40 cubic feet per ton....	40 cu. ft.	25
(2)	Coal, stone, gravel, sand.....	ton	5
(3)	Containers:		
	(a) Wooden, empty.....	40 cu. ft.	15
	(b) Metal, empty.....	ton	15
(4)	Grain, grain products.....	ton	10
(5)	Livestock:		
	(a) Horses, cattle, mules.....	each	15
	(b) Sheep, swine, calves, colts.....	each	5
(6)	Oil, petroleum products:		
	(a) In bulk.....	gallon	1/20
	(b) In containers.....	drum (45 gal.)	5
(7)	Ore, not processed.....	ton	15
(8)	Timber, lumber, lumber products:		
	(a) For domestic use.....	1,000 board feet	15
	(b) For export.....	1,000 board feet	5
	(c) Wood.....	cord (128 cu. ft.)	5
(9)	Tobacco:		
	(a) Raw.....	ton	40
	(b) Processed.....	ton	80
(10)	Vehicles, self propelled:		
	(a) Passenger vehicles.....	each	25
	(b) Trucks, trailers including load.....	ton	25
(11)	Minimum charge per shipment.....	each	5

Government Harbours and Piers Act—continued

Storage Rates

2. Storage charge for goods and ground rent for space allotted in warehouses other than frost-proof warehouses:

	Rate in cents
(a) From 1st May to 30th November, per sq. ft., per month.....	5
(b) From 1st December to 30th April, per sq. ft., per month.....	1

3. Storage charge for vegetables and roots in frostproof warehouses:

	Rate in cents
(a) Unheated warehouses:	
First twenty-days.....	no charge
After twenty days, per bushel, per day.....	1/16
(b) Heated warehouses. (No free period)	
First ten days, per bushel, per day.....	1/4
After ten days, per bushel, per day.....	1/8

4. Storage charge for goods and ground rent for space allotted other than in warehouses:

	Rate in cents
(a) On a wharf structure, per sq. ft. per annum.....	2½
(b) Elsewhere than on a wharf structure, per sq. ft. per annum.....	1

Side Wharfage

5. Charges for mooring vessels:

	Unit Basis	Rate in Cents
(a) On all vessels, except Canadian fishing vessels, per twenty-four hours or portion thereof:		
(1) Vessels whose over all length is less than 100 feet.....	Linear foot	3
(2) Vessels whose over all length is 100 feet or more.....	Linear foot	5
(b) On Canadian fishing vessels, per twenty-four hours or portion thereof, after forty-eight hours free period:		

	Rate	Maximum in any one Calendar Month
(i) Vessels, not over 25 feet in length.....	0.15	\$2.00
(ii) " over 25 feet but not over 40 feet.....	0.25	3.00
(iii) " " 40 " " 50 ".....	0.35	4.00
(iv) " " 50 " " 60 ".....	0.50	5.00
(v) " " 60 " " 70 ".....	0.50	6.00
(vi) " " 70 " " 80 ".....	0.60	7.00

6. Length of a vessel for computing side wharfage is the registered length or, if the vessel is unregistered, the length is determined by the wharfinger.

Government Harbours and Piers Act—concluded

2. Tariffs of Tolls, government wharves

Section 7 of the Government Harbours and Piers Act provides that the Governor in Council may make tariffs of tolls for government wharves. Tariffs of tolls and regulations for the use and operation of the following wharves have been made by the Governor in Council. Copies of these tariffs of tolls and regulations may be obtained on application, from the Secretary, Department of Transport, Ottawa:

- 1. *Campbell River, British Columbia*
- 2. *Nanaimo, British Columbia*
- 3. *Sorel, Quebec*
- 4. *Westview, British Columbia*

GOVERNMENT PROPERTY TRAFFIC ACT. (R.S.C., 1952, c. 324)

	Page
1. <i>Government Property Traffic Regulations</i>	1838
2. <i>Airport Vehicle Control Regulations</i>	1841

1. Government Property Traffic Regulations

P.C. 4076

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 17th day of September, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the Government Property Traffic Act, is pleased to make the annexed regulations for the control of traffic upon lands belonging to or occupied by Her Majesty in right of Canada, and they are hereby made and established, accordingly.

GOVERNMENT PROPERTY TRAFFIC REGULATIONS

Short Title

1. These regulations may be cited as the *Government Property Traffic Regulations*.

Interpretation

2. In these regulations

- (a) "Commissioner" means the Commissioner of the Royal Canadian Mounted Police;
- (b) "constable" means
 - (i) a member of the Royal Canadian Mounted Police,
 - (ii) a member of a provincial or municipal police force, and
 - (iii) any person authorized by a Minister or the Commissioner to enforce these regulations;

Government Property Traffic Act—continued

- (c) "department" means
 - (i) any of the departments named in Schedule A to the Financial Administration Act,
 - (ii) any Crown Corporation as defined in paragraph (c) of subsection (1) of section 76 of the Financial Administration Act, and
 - (iii) any other division or branch of the public service of Canada;
- (d) "driver" means a person who is driving or is in actual physical control of a vehicle;
- (e) "government property" means property owned or occupied by Her Majesty in right of Canada;
- (f) "highway" includes any highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle designed and intended for, or used for the passage of vehicles;
- (g) "Minister" means
 - (i) with respect to a department mentioned in subparagraph (i) of paragraph (c), the Minister presiding over the department,
 - (ii) with respect to a Crown Corporation, the President or other Chief Executive Officer thereof, and
 - (iii) with respect to any other division or branch of the public service of Canada, the person who under the Financial Administration Act is the appropriate Minister;
- (h) "park" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in a loading or unloading; and
- (i) "vehicle" means a device, in, upon, or by which a person or property is or may be transported or drawn upon a highway, except a device used exclusively upon stationary rails or tracks.

Application

3. These regulations apply to government property and the highways thereon except

- (a) the National Parks,
- (b) territorial lands as defined in the Territorial Lands Act,
- (c) Indian reserves,
- (d) property under the control of the Federal District Commission, and
- (e) property to which the Airport Vehicle Control Regulations apply.

4. These regulations do not apply to a member of the Canadian Forces when operating with due authority a vehicle owned by Her Majesty in right of Canada.

Registration and Permits

5. No person shall operate a vehicle on a highway unless

- (a) he holds all licences and permits that he is, by the laws of the province and the municipality in which the highway is situated, required to hold in order to operate the vehicle in that province and municipality, and
- (b) the vehicle is registered and equipped as required by the laws of the province and the municipality in which the highway is situated.

Government Property Traffic Act—continued*Compliance with Provincial and Municipal Laws*

6. (1) No person shall operate a vehicle on a highway otherwise than in accordance with the laws of the province and the municipality in which the highway is situated.

(2) In this section the expression “laws of the province and the municipality” does not include laws that are inconsistent with or repugnant to any of the provisions of the Government Property Traffic Act or these regulations.

Traffic Signs and Devices

7. (1) The Minister of Public Works, the Minister of any department having the control or management of any government property or the Commissioner may mark or erect or cause to be marked or erected on any government property, traffic signs or devices

- (a) prescribing rate of speed;
- (b) regulating or prohibiting parking and designating parking areas;
- (c) prescribing load limits for any vehicle or class of vehicles;
- (d) prohibiting or regulating the use of any highway by any vehicle or class of vehicles;
- (e) designating any highway as a one-way highway;
- (f) for stopping vehicles;
- (g) for regulating pedestrian traffic; and
- (h) for directing or controlling in any other manner traffic on government property.

(2) Except as authorized by subsection (1), no person shall mark or erect any traffic sign or device on government property.

(3) No person, other than the Minister of Public Works, the Minister of any department having the control or management of government property or the Commissioner, shall, without the authority of such Minister or the Commissioner, remove or deface any traffic sign or device on such property.

8. Any traffic sign or device on government property bearing the words “Government of Canada” or an abbreviation thereof, or purporting to have been erected by or under the authority of the Minister of Public Works, any other Minister or the Commissioner, shall *prima facie* be deemed to have been erected pursuant to these regulations.

9. The driver of a vehicle on a highway shall obey the instructions of any traffic sign or device applicable to that driver, vehicle or highway.

10. Any traffic sign or device on government property marked or erected prior to the coming into force of these regulations under An Act to provide for the regulation of Vehicular Traffic on Dominion Property or the regulations thereunder or under other lawful authority shall be deemed to have been marked or erected pursuant to these regulations.

Traffic Direction and Control

11. The driver of a vehicle on a highway shall comply with any traffic directions given to him by a constable.

12. Every person on government property shall produce to a constable upon demand

- (a) any permit issued to him under these regulations,

Government Property Traffic Act—concluded

- (b) any licence or permit he holds authorizing him to drive a vehicle, and
- (c) any certificate of registration of a vehicle held by him.

13. Every driver of a vehicle who is directly or indirectly involved in an accident on government property shall report the accident forthwith as required by the laws of the province in which the accident occurred and, if any property of Her Majesty is damaged by the accident, shall forthwith report the accident to a member of the Royal Canadian Mounted Police or the person in charge, control or occupation of the property so damaged.

Parking

14. No person shall park a vehicle in any area designated by a sign as an area in which parking is prohibited.

15. Where an area is by sign designated as an area where parking is reserved for those holding permits or designated as an area where parking is prohibited except under a permit, no person shall park a vehicle in the area unless

- (a) he holds a permit authorizing him to park in the area
- (b) there is attached to and exposed on the vehicle the label furnished with the permit, and
- (c) he parks in accordance with the terms of his permit.

16. Where an area is by sign designated as an area where parking is permitted for a period of time, no person shall park a vehicle in the area for any greater period of time than that indicated on the sign.

17. Where an area is by sign designated as an area where parking is reserved for a class of persons, no person shall park in the area unless he is a member of that class.

18. (1) The Commissioner may issue or authorize the issue of permits and labels for the purposes of these regulations.

(2) The Minister of a department or a person authorized by him may at any time revoke a permit issued under these regulations with respect to property under the control or management of that department.

(3) Unless sooner revoked, a permit issued under these regulations is valid for the period stated thereon, and a label furnished with the permit is valid only during the period that the permit is valid.

19. A constable who finds a vehicle parked in contravention of these regulations may, at the expense of the owner, remove the vehicle and, if he deems it necessary to protect the vehicle or the interests of the owner, store it in a suitable place.

Speed

20. No person shall drive a vehicle on a highway at a rate of speed in excess of the speed limit indicated for the highway by a sign.

Penalties

21. Every person who violates any of these regulations is liable on summary conviction to a fine not exceeding fifty dollars or a term of imprisonment not exceeding two months or to both fine and imprisonment.

2. Airport Vehicle Control Regulations

Order in Council P.C. 1953-942 of 12th June, 1953 *see under* Department of Transport Act (Volume I, page 872).

GOVERNMENT RAILWAYS ACT. (R.S.C., 1952, c. 136)

No regulations were in effect under this Act on January 1, 1955. The rules and regulations made thereunder became inoperative upon the entrustment in January, 1923, of the management and operation of the government railways to the Canadian National Railway Company.

GOVERNMENT WORKS TOLLS ACT. (R.S.C., 1952, c. 138)

No regulations under this statute were in effect on January 1, 1955. Since 1920 the booms, slides and piers belonging to the Department of Public Works on the Ottawa River have been operated by the Upper Ottawa Improvement Company. By the terms of section 13 of chapter 102 of the Statutes of Canada, 1888, the tariff of dues and charges proposed to be levied by the Company for the use of its works is required to be approved by the Governor in Council. In practice a tariff of tolls is submitted for approval annually, that for the season of 1955 having been approved by Order in Council P.C. 1955-229 of February 17, 1955. Further information may be obtained from the Secretary, Department of Public Works, Ottawa.

GRAIN FUTURES ACT. (R.S.C., 1952, c. 140)

No regulations have been made under this statute.

HAY AND STRAW INSPECTION ACT. (R.S.C., 1952, c. 141)**Hay and Straw Inspection Regulations****DEPARTMENT OF AGRICULTURE**

UNDER AND BY VIRTUE of the authority conferred upon me by The Hay and Straw Inspection Act, 1933, I hereby rescind all regulations made under the said Act and substitute the following therefor:

JAMES G. GARDINER,
Minister of Agriculture.

Ottawa, February 23, 1949.

THE HAY AND STRAW INSPECTION REGULATIONS

1. In these regulations,

- (a) "Act" means The Hay and Straw Inspection Act, 1933;
- (b) "Plant Products Division" means the Plant Products Division of the Production Service, Department of Agriculture, Ottawa;
- (c) "Inspector" means any person authorized to make inspections and to issue inspection certificates under the provisions of the Act.

2. (1) The prescribed standards of class, quality and condition for hay and straw are as set forth in the Schedule and when hay or straw of any of the classes specified therein is inspected and certified pursuant to these regulations, such hay or straw shall be described in the certificate of inspection in accordance with the standards set forth in the Schedule.

(2) Where an inspection is made of any hay or straw which is not included in the Schedule, an inspector may issue a certificate of inspection describing, as accurately as it may be possible for him so to do, the class, quality and condition of the hay or straw.

Hay and Straw Inspection Act—continued

3. The prescribed charges for the inspection of hay and straw are:
 - (a) twenty-five cents per ton plus the travelling and other expenses of the inspector actually incurred in making any inspection at a place or locality other than his local headquarters; or
 - (b) such charges as the Plant Products Division and other interested parties may jointly agree upon for any particular inspection or inspections.

Schedule

Definitions

1. In this Schedule,
 - (a) "Hay" means the harvested, cured, unthreshed herbage of those kinds of forage plants which have recognized feeding value and are acceptable to Plant Products Division; and that
 - (i) meets the class, mixture, grade, colour and other requirements as prescribed in the following tables;
 - (ii) contains not more than thirty-five per cent of foreign material; and
 - (iii) is not coarse or woody;
 - (b) "Foreign material" means:
 - (i) mature chess (*Bromus secalinus*), mature green or yellow foxtail (*Setaria viridis* and *S. lutescens*), spear grass (*Stipa* spp.), wire grass (*Aristida* spp.), wild barley (*Hordeum jubatum*, *H. murinum*, *H. pusillum*) and other weeds;
 - (ii) such sedges, rushes and other plants which are coarse and woody or otherwise unsuitable for feed; and
 - (iii) ripe grain hay, grain straw, grain or grass stubble, chaff, corn-stalks and other objectionable matter which may be present naturally in hay;
 - (c) "Injurious foreign material" includes sand burs, poisonous plants, harsh awned grasses such as mature wild barley and spear grass and other material which may be injurious when fed to livestock;
 - (d) "Clover" means red clover, alsike clover or white clover or a mixture thereof;
 - (e) Other grasses may include such cultivated and wild grasses, sedges and rushes as may be present naturally in meadows, and may include not more than ten per cent (of the total hay) of grain hay cut before maturity;
 - (f) Other legumes may include such cultivated and wild legumes as may be present naturally in meadows.

2. Percentage Determinations

For the purpose of this Schedule, percentages shall be determined in accordance with the following:

- (a) The percentage of mixtures and foreign material is based on the percentage by weight of the total hay;
- (b)
 - (i) the percentage of green colour is based upon colour determinations determined by the method prescribed by Plant Products Division and expressed as "Per cent green"; and
 - (ii) computed as a percentage of the green colour present in hay which has not been discoloured by maturity, sun bleach, dew, rain or other damage;
- (c) the percentage of leafiness of alfalfa is based on the percentage by weight of the total alfalfa;

Hay and Straw Inspection Act—continued

- (d) the percentage of coarse alfalfa hay is based on a count of the plants which are oversize at a point approximately two inches from the cut end of the stem.
- 3. The grade designation shall indicate successively in the order named,
 - (a) the number of the grade or the word "Sample grade" as the case may be,
 - (b) any special grade that may apply, and
 - (c) the class of hay (e.g. "No. 1 timothy hay", "No. 2 extra green timothy light clover mixed hay").

GROUP No. 1

Timothy, Clover and Dyke Hay

TABLE No. 1—Classification

Class	Mixture percentages
Timothy.....	Timothy with not over 10 per cent clover.
Timothy Light Clover Mixed.....	A mixture of timothy and clover with over 10 per cent but not over 30 per cent clover.
Timothy Medium Clover Mixed.....	A mixture of timothy and clover with over 30 per cent but not over 50 per cent clover.
Timothy Light Grass Mixed.....	A mixture of timothy and other grasses with over 10 per cent but not over 30 per cent other grasses and not over 10 per cent clover.
Timothy Heavy Grass Mixed.....	A mixture of timothy and other grasses with over 30 per cent but not over 60 per cent other grasses and not over 10 per cent clover.
Timothy Light Alfalfa Mixed.....	A mixture of timothy and alfalfa with over 10 per cent but not over 30 per cent alfalfa.
Clover.....	Clover with not over 20 per cent timothy and/or other grasses.
Clover Light Timothy Mixed.....	A mixture of clover and timothy with over 50 per cent clover and over 20 per cent timothy.

NOTE:—

- 1. Dyke hay is a mixture of timothy and couchgrass (quack grass) grown on land reclaimed from tidal water. When dyke hay is to be classified, the word "Dyke" shall be substituted for the word "Timothy" in the above table.
- 2. Timothy may include not over 10% (of the total hay) of other grasses, except in the classes "timothy light grass mixed" and "timothy heavy grass mixed".
- 3. Clover or alfalfa may include not over 10% (of the total hay) of other legumes.

Hay and Straw Inspection Act—continued

TABLE No. 2—Grade Requirements

Grade	Per cent green colour	Maximum per cent foreign material
No. 1	45 or more	10
No. 2	30 or more	15
No. 3	Less than 30, except when graded No. 3 on account of foreign material.	20
Sample	Hay which contains more than 20% but less than 35% foreign material, or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly stained, badly weathered, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.	

NOTE: Hay that is stained shall not be graded Extra green, Green No. 1 or No. 2.

SPECIAL GRADES

Extra green.—Hay of any of the classes listed in Table No. 1, which has 60% or more green colour, shall have the words “extra green” included in and made a part of the grade designation. e.g., ‘No. 1 extra green timothy’, “No. 3 extra green clover light timothy mixed”, “Sample grade extra green clover”.

Green.—Hay of grade No. 2, No. 3 or Sample grade of any of the classes listed in Table No. 1, which has 45% or more but less than 60% green colour, shall have the word “green” included in and made a part of the grade designation. e.g., “No. 2 green timothy”.

Stemmy.—Hay of any grade of the classes Clover and Clover light timothy mixed listed in Table No. 1, in which the leaves and blossoms of the clover constitute less than 20% of the total weight of the clover, shall have the word “stemmy” included in and made a part of the grade designation. e.g., “No. 2 stemmy clover”.

Hay and Straw Inspection Act—continued

GROUP No. 2

Alfalfa and Alfalfa Mixed Hay

TABLE No. 3—Classification

Class	Mixture Percentages
Alfalfa.....	Alfalfa with not over 5 per cent grasses.
Alfalfa Light Grass Mixed.....	A mixture of alfalfa and grasses with over 5 per cent but not over 20 per cent grasses.
Alfalfa Heavy Grass Mixed.....	A mixture of alfalfa and grasses with over 20 per cent but not over 60 per cent grasses.
Alfalfa Light Timothy Mixed.....	A mixture of alfalfa and timothy with over 5 per cent but not over 30 per cent timothy.
Alfalfa Heavy Timothy Mixed.....	A mixture of alfalfa and timothy with over 30 per cent alfalfa and over 30 per cent timothy.
Alfalfa Clover Mixed.....	A mixture of alfalfa and clover with over 10 per cent but not over 50 per cent clover and not over 10 per cent grasses.
Alfalfa Light Grain Mixed.....	A mixture of alfalfa and grain hay with over 5 per cent but not over 20 per cent grain hay.
Alfalfa Heavy Grain Mixed.....	A mixture of alfalfa and grain hay with over 40 per cent alfalfa and over 20 per cent grain hay.

NOTE:

1. Alfalfa may include not over 10% (of the total hay) of other legumes, except in the class "alfalfa clover mixed".
2. Timothy or grain hay may include not over 10% (of the total hay) of other grasses.

Hay and Straw Inspection Act—continued

TABLE NO. 4—Grade Requirements

Grades applicable to the classes Alfalfa, Alfalfa Light Timothy Mixed, Alfalfa Light Grass Mixed, Alfalfa Clover Mixed and Alfalfa Light Grain Mixed.

Grade	Leafiness of Alfalfa (Per cent leaves)	Per cent green colour	Maximum per cent foreign material
No. 1.....	40 or more.....	60 or more.....	5
No. 2.....	25 or more.....	35 or more.....	10
No. 3.....	Less than 25, except when graded No. 3 on account of any other factor.	Less than 35, except when graded No. 3 on account of any other factor.	15
Sample.....	Hay which contains more than 15% but less than 35% of foreign material or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly weathered, badly frosted, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.		

NOTE:—Hay in which a majority of the alfalfa stalks bear brown and/or black seed pods shall not be graded No. 1 or be assigned any special grade except "Coarse".

Hay and Straw Inspection Act—continued

TABLE NO. 5—Grade Requirements

Grades applicable to the classes Alfalfa heavy timothy mixed, Alfalfa heavy grass mixed and Alfalfa heavy grain mixed.

Grade	Per cent green colour	Maximum per cent foreign material
No. 1	60 or more	5
No. 2	35 or more	10
No. 3	Less than 35, except when graded No. 3 on account of foreign material.	15
Sample	Hay which contains more than 15% but less than 35% of foreign material, or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly weathered, badly frosted, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.	

NOTE:—Hay in which the majority of the alfalfa stalks bear brown and/or black seed pods shall not be graded No. 1 or be assigned any special grade except “Coarse”.

SPECIAL GRADES

Extra leafy.—Hay of any grade of the classes listed in Table No. 4, and in which the leafiness of the alfalfa is 50% or more, with most of the leaves clinging, shall have the words “Extra leafy” included in and made a part of the grade designation. e.g., “No. 1 extra leafy alfalfa”, “No. 3 extra leafy alfalfa light grass mixed”, “Sample grade extra leafy alfalfa clover mixed”.

Leafy.—Hay of the grades No. 2, No. 3 and Sample grade of the classes listed in Table No. 4, and in which the leafiness of the alfalfa is 40% or more, shall have the word “Leafy” included in and made a part of the grade designation. e.g., “No. 2 leafy extra green alfalfa”.

Extra green.—Hay of any grade of the classes listed in Table No. 4 and Table No. 5, which has 75% or more green colour, shall have the words “Extra green” included in and made a part of the grade designation. e.g., “No. 1 extra green alfalfa”.

Green.—Hay of the grades No. 2, No. 3 and Sample grade of the classes listed in Table No. 4 and Table No. 5, which has 60% or more but less than 75% green colour, shall have the word “green” included in and made a part of the grade designation. e.g., “Sample grade green alfalfa.”

Coarse.—Hay of any grade of the classes listed in Table No. 4 and Table No. 5, in which the alfalfa stalks are hard and round, and in which more than 30% of the alfalfa stalks have diameters equal to or greater than the standard gauge of No. 11 steel wire (approximately 12/100 inch), shall have the word “Coarse” included in and made a part of the grade designation. e.g., “No. 2 coarse alfalfa”.

Hay and Straw Inspection Act—continued

GROUP No. 3

GRASS HAY

Grass hay is hay of the cultivated and/or wild grasses other than timothy, upland, midland and slough prairie grasses, millet and grain cut for hay, and shall include hay containing more than 60% of grasses, sedges and/or rushes.

TABLE No. 6—Grade Requirements

Grade	Per cent green colour	Maximum per cent foreign material
No. 1	50 or more	10
No. 2	35 or more	15
No. 3	Less than 35, except when graded No. 3 on account of foreign material.	20
Sample	Hay which contains more than 20% but less than 35% foreign material, or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly weathered, badly frosted, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.	

NOTE:—

1. Hay that is stained shall not be graded extra green, green, No. 1 or No. 2.
2. Grade designations for grass hay shall include, after the words "grass hay" either the common names of the several kinds of grasses, sedges, rushes and legume, which constitute more than 10% of the mixture listed in order of predominance or such local trade names as will identify the kinds of such constituents.

SPECIAL GRADES

Extra green.—Grass hay of any grade listed in Table No. 6, which has 65% or more green colour, shall have the words "Extra green" included in and made a part of the grade designation. e.g., "No. 3 extra green grass hay, redtop and bluegrass".

Green.—Grass hay of the grades No. 2, No. 3 and Sample grade listed in Table No. 6, which has 50% or more but less than 65% green colour, shall have the word "green" included in and made a part of the grade designation. e.g., "No. 2 green grass hay, redtop."

Hay and Straw Inspection Act—continued

GROUP No. 4

MIXED HAY

- 1. The class “Mixed Hay” shall include any mixture of hay which contains 50% or more of timothy, clover and/or grasses in Group No. 1, Group No. 2 and Group No. 3, but which are not classified in Table No. 1, Table No. 3 or Table No. 6.
- 2. (1) Mixed Hay shall be graded according to the requirements and definitions for the kind of hay that predominates in the mixture, except that all numerical, and special grade specifications pertaining to leafiness, stemminess and coarseness shall be disregarded.
- (2) The grade designation for Mixed Hay shall include successively, in the order named:
 - (a) No. 1, No. 2, No. 3 or sample grade as the case may be, and any special grade that may apply;
 - (b) the words “Mixed Hay”, and
 - (c) the name and approximate percentage of each kind of hay which constitutes more than 10% of the mixture listed in order of predominance.

GROUP No. 5

PRAIRIE HAY AND GRAIN HAY

- 1. Upland hay (Prairie wool) is hay of the fine textured short grasses that grow commonly on the drier Canadian upland virgin prairie areas.
- 2. Midland hay is hay of the taller growing species, exclusive of coarse slough grasses, that grow commonly on the more moist Canadian upland virgin prairie areas.
- 3. Slough hay is hay of the relatively coarse stemmed species of grasses, sedges and/or rushes which grow on lowland virgin prairie areas which are flooded for at least a portion of the growing season.

TABLE No. 7—Classification of Prairie Hay

Class of Hay	Mixture Percentages
Upland prairie (Prairie wool).....	Upland grasses with not over 10 per cent midland and/or other grasses.
Midland prairie.....	Midland grasses or a mixture of midland and upland grasses with over 40 per cent midland grasses.
Slough.....	Slough grasses or a mixture of slough and other grasses with over 40 per cent slough grass.
Upland-midland prairie mixed.....	A mixture of upland and midland prairie grasses with over 10 per cent but not over 40 per cent midland grasses.
Midland-slough prairie mixed.....	A mixture of slough and other prairie grasses with over 10 per cent but not over 40 per cent slough grasses.

Hay and Straw Inspection Act—continued

TABLE No. 8—Grade Requirements of Prairie Hay.

Grade	Per cent green colour	Maximum per cent foreign material
No. 1.....	45 or more.....	10
No. 2.....	30 or more.....	15
No. 3.....	Less than 30, except when graded No. 3 on account of foreign material.	20
Sample....	Hay which contains more than 20% but less than 35% foreign material, or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly stained, badly weathered, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.	

TABLE No. 9—Classification of Grain Hay

Class of Hay	Mixture percentages
Oat hay.....	Oat hay with not over 10 per cent legumes and not over 10 per cent other grains.
Wheat hay.....	Wheat hay with not over 10 per cent legumes and not over 10 per cent other grains.
Barley hay.....	Barley hay with not over 10 per cent legumes and not over 10 per cent other grains.
Oat light legume mixed.....	A mixture of oat hay and legumes with over 10 per cent legumes.
Wheat light legume mixed.....	A mixture of wheat hay and legumes with over 10 per cent legumes.
Barley light legume mixed.....	A mixture of barley hay and legumes with over 10 per cent legumes.

Hay and Straw Inspection Act—continued

TABLE NO. 10—Grade Requirements

Applicable to Oat hay, Barley hay, Oat light legume mixed hay, Barley light legume mixed hay and Mixed grain hay.

Grade	Maturity	Colour	Maximum per cent foreign material
No. 1.....	The grain shall have been cut in the dough stage and shall contain partly formed kernels and “filled” grain with little or no shattering of kernels.	Natural green to yellowish green or greenish yellow. Bright.	5
No. 2.....	The grain shall have been cut in the dough stage or before and shall contain partly formed kernels and “filled” grain with little or no shattering of kernels.	Green to yellowish green or yellow with traces of green. May be slightly discoloured or slightly weathered.	10
No. 3.....	May be fully mature.....	Yellow. May be discoloured, weathered or stained.	15
Sample	Hay which contains more than 15% but less than 35% foreign material, or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly stained, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.		

Hay and Straw Inspection Act—continued

TABLE No. 11—Grade Requirements

Applicable to Wheat hay and Wheat light legume mixed hay.

Grade	Maturity	Colour	Maximum per cent foreign material
No. 1.....	The grain shall have been cut in the milk stage or before, and may contain small, shrivelled kernels and a little "filled" grain.	Natural green to yellowish green. Bright.	5
No. 2.....	The grain shall have been cut in the early dough stage or before, and may contain partly-formed kernels and some "filled" grain, but such "filled" grain shall not predominate.	Yellowish green to yellow with traces of green. May be slightly discoloured or slightly weathered.	10
No. 3.....	May be fully mature.....	Yellow to greenish yellow with many brown leaves. May be discoloured, weathered or stained.	15
Sample.....	Hay which contains more than 15% but less than 35% foreign material, or more than a trace of injurious foreign material or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly stained, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.		

Hay and Straw Inspection Act—concluded

GROUP No. 6

STRAW

- (1) "Straw" is the remnants of wheat, oat, barley and rye crops from which the grain has been threshed, and may include not more than 10% (of the total straw) of grasses that are not coarse and woody.
- (2) Chaff is shattered glumes, and also all pieces of straw not over four inches in length.
- (3) Foreign material is all material other than straw, except grasses that are not coarse and woody.
- (4) Percentages of chaff and foreign material shall be based upon percentages by weight of the total straw.
- (5) The grade designation shall indicate successively in the order named:
 - (a) the number of the grade or the words "sample grade", as the case may be;
 - (b) any special grade that may apply;
 - (c) the kind or kinds of straw. e.g., "No. 1 wheat straw", "sample grade chaffy oat straw".

TABLE No. 12

Grades applicable to Straw.

Grade	Colour	Maximum per cent	
		Foreign material	chaff
No. 1.....	Bright. May be slightly discoloured by rain, dew or other damage.	10	35
No. 2.....	Moderately discoloured, weathered or stained..	10	35
Sample.....	Straw which contains more than 10% of foreign material, or more than 35% chaff, or which is heating, hot, wet, musty, mouldy, caked, badly stained, badly weathered, or very dusty, or which is otherwise of distinctly low quality.		

SPECIAL GRADES

- Straight rye straw.*—Rye straw of any grade, which is straight and not tangled from threshing and which has been pressed into large box-pressed bales, shall have the word "Straight" included in and made a part of the grade designation. E.g., "No. 1 straight rye straw", "Sample grade straight rye straw (moudly)".
- Long rye straw.*—Rye straw of any grade, which is straight and not tangled from threshing and which has been pressed into perpetual-pressed bales, shall have the word "long" included in and made a part of the grade designation. e.g., "No. 1 long rye straw".
- Chaffy straw.*—Straw of any grade, which contains more than 35% chaff shall have the word "chaffy" included in and made a part of the grade designation, e.g., "No. 1 chaffy oat straw", "sample grade chaffy barley straw":

HISTORIC SITES AND MONUMENTS ACT. (1953, c. 39)

No regulations have been made under this statute.

HOME IMPROVEMENT LOANS GUARANTEE ACT. (1937, c. 11)

The Home Improvement Regulations, 1937, established by Order in Council P.C. 3233 of 27th July 1948, have not been revoked but as they are applicable only to those loans that are presently outstanding they have not been included in this Consolidation. Copies of these regulations may be obtained on application to Central Mortgage and Housing Corporation. Ottawa.

IDENTIFICATION OF CRIMINALS ACT. (R.S.C., 1952, c. 144)

Measurements, processes or operations of fingerprinting and photography sanctioned

P.C. 1954-1109

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 22nd day of July, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Justice and pursuant to the Identification of Criminals Act, is pleased, hereby, to revoke Order in Council P.C. 3965 of 7th September, 1948, and to make the following order:

For the purposes of the Identification of Criminals Act, the measurements, processes or operations of fingerprinting and photography are hereby sanctioned.

IMMIGRATION ACT. (R.S.C., 1952, c. 325)

	Page
1. <i>Immigration Regulations</i>	1855
2. <i>Assisted passage loan fund regulations</i>	1866

1. Immigration Regulations

P.C. 1954-1351

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration and pursuant to the powers conferred by the Immigration Act, is pleased to order as follows:

Immigration Act—continued

1. The Immigration Regulations established by Order in Council P.C. 1953-859 of 26th May, 1953, as amended, are hereby revoked; and

2. The annexed regulations entitled "The Immigration Regulations" are hereby made and established in substitution for the regulations hereby revoked.

THE IMMIGRATION REGULATIONS*Definitions*

1. In these regulations,

- (a) "Act" means the Immigration Act, chapter 325, R.S.C., 1952;
- (b) "child" for the purposes of subsections (2) and (3) of section 20 of these regulations means a child who is the issue of lawful wedlock and who would possess the status of legitimacy if his father had been domiciled in Canada at the time of his birth;
- (c) "Department" means the Department of Citizenship and Immigration;
- (d) "Deputy Minister" means the Deputy Minister of Citizenship and Immigration;
- (e) "Director" means the Director of the Immigration Branch of the Department of Citizenship and Immigration;
- (f) "Minister" means the Minister of Citizenship and Immigration;
- (g) "unmarried" means when used with reference to an individual that such individual is not married and has never been married; and
- (h) "wife or husband" means a man and a woman who have entered into a marriage within the meaning given thereto in the law of any province of Canada;

and other terms and expressions used in these regulations have the meaning ascribed to them in the Act.

Landing and Entry Records

2. (1) The landing or entry of every person in Canada shall be recorded by the immigration officer who has conducted the examination, on the card prescribed by the Minister and unless such record has been made, admission shall be deemed not to have taken place.

(2) The passport or travelling document held by a person admitted to Canada shall be stamped to show that he has been landed or that he has been entered and in the latter instance, the period of time allotted to such person to remain in Canada.

(3) Every immigrant shall also receive a card to be designated as an immigration identification card to show that he has been landed in Canada.

(4) The stamp referred to in subsection (2) and the card referred to in subsection (3) shall constitute *prima facie* proof of admission and shall establish conclusively the fact that the date of admission when the information therein contained has been reconciled with the information contained in the archives of the Immigration Branch.

(5) The Minister may exempt any person or any class of persons from any or all of the requirements of this section and may prescribe such further or other requirements or documents in their stead as he may deem appropriate.

Immigration Act—continued

Rights of Immigrants to Remain on Board Vessel till Accommodation or Carriage Available

3. Every immigrant on any vehicle arriving at a port of entry to which the owner or master of such vehicle engaged to convey him, shall be entitled if accommodation or inland or other carriage for such immigrant are not immediately available, to remain and keep his luggage on board such vehicle for a period of twenty-four hours or until such facilities are available, whichever shall first occur, and the master of such vehicle shall not remove any berth or accommodation used by such immigrant.

Protection of Immigrants on Board Ships

4. (1) No member of the crew of any ship bringing immigrants to Canada shall admit any female immigrant into his apartment and no such member of the crew shall visit or frequent any part of such ship assigned to female passengers except on the direction or permission of the master of such ship, first given for such purposes.

(2) A member of the crew of any ship bringing immigrants to Canada, who admits any female immigrant to his apartment or visits or frequents any part of such ship assigned to female passengers, unless it be following the direction or permission of the master of such ship, shall be guilty of an offence and shall be liable on summary conviction to a fine of fifty dollars for every such offence.

(3) The master of a ship who directs or permits any member of the crew of such ship bringing immigrants to Canada, to visit or frequent any part of such ship assigned to female immigrants, except for the purpose of doing or performing some necessary act or duty, shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred dollars for every such offence.

(4) If any ship from any port or place outside of Canada comes to Canada having on board, or having had on board, at any time, during her voyage

- (a) any greater number of passengers than one adult passenger for every fifteen clear superficial feet of deck allotted to their use and unoccupied by stores or other goods, not being the personal luggage of such passengers; or
- (b) a greater number of persons, including the master and crew and the cabin passengers, if any, than one for every two tons of the tonnage of such ship, calculated in a manner used for ascertaining the tonnage of British ships;

the master of such ship shall be liable on summary conviction to a fine of twenty-five dollars for each passenger or person constituting such excess.

(5) For the purpose of subsection (4), each person of or above the age of fourteen years shall be considered an adult, and two persons above the age of one year and under the age of fourteen years shall be reckoned and taken as one adult.

(6) The immigration officer in charge may require the master of a ship bringing immigrants to Canada, to produce the ship's certificate showing that such ship is seaworthy, in safe trim and in all respects fit for the service for which such ship is intended; if no valid and subsisting certificate can be shown, such officer may cause a survey to be made of

Immigration Act—*continued*

the ship at the cost of the master and if the ship cannot be so certified, clearance shall not be granted but it may be granted upon payment by the master of a penalty of not more than twenty-five dollars and not less than ten dollars per passenger as may be assessed by the Minister.

Inspection of Ships

5. (1) The master of every ship bringing immigrants to Canada shall keep posted in a conspicuous place in the forecabin, on the bridge accessible to immigrants and in the parts of such ship assigned to tourist class passengers, a printed notice in the English and French languages and in the language spoken by the majority of the immigrants on board, containing the provisions of section 4 regarding the accommodation, safety and protection of immigrants.

(2) The immigration officer in charge may inspect any ship upon arrival in Canada for evidence of compliance with subsection (1) and contravention thereof shall render the master of the ship liable on summary conviction to a fine of fifty dollars.

Permission to go on board Vehicles or into Immigrant Stations

6. No agent or person acting on behalf of any transportation company or other person shall go on board any ship or aircraft after such ship or aircraft has arrived in Canada or in the case of ships, in Canadian waters, until all passengers thereon have been examined or have left such ship or aircraft, whichever is the earlier, or shall go into any immigrant station, unless he is authorized in writing so to do by the Deputy Minister, the Director or by the immigration officer in charge.

Immigrants Dying en route or in Immigrant Stations

7. (1) Where a person has died en route to Canada or in Canada while at an immigrant station or some such other place under the control or supervision of an immigration officer, the immigration officer in charge shall cause all moneys and effects belonging to such person to be accounted for and a statement in writing shall be obtained from the master of the vehicle that brought such person to Canada or such immigration officer, as the case may be, wherein shall be related fully the result of the accounting and the immigration officer in charge shall give a receipt therefor to such master or such immigration officer.

(2) The immigration officer in charge shall remit the moneys or effects of the deceased person to the latter's next-of-kin whose name shall be so given on the manifest that is delivered by the master of the vehicle referred to in subsection (1).

(3) If the next-of-kin of the deceased person has remained in another country from which such person had left for Canada and wherein was his place of domicile, the immigration officer in charge shall transfer the moneys and property of the deceased to the Consular authorities in Canada of such country and shall obtain a receipt therefor.

(4) Where both parents or the last surviving parent of any child brought with them or with him as the case may be, on any vehicle bound for Canada has died as aforesaid in subsection (1), the immigration officer in charge shall deliver over the moneys and effects of such parents or last surviving parent to the institution or person assuming the care and charge of such child.

Immigration Act—continued

(5) Except where otherwise instructed by the Minister in special cases, the immigration officer in charge shall in all other cases not covered by this section, remit the moneys and effects of a person deceased as aforesaid in subsection (1) to the Consular authorities of the country to which such deceased person belonged as a subject or citizen.

Manifest

8. (1) The manifest referred to in these regulations shall consist of either an index of all passengers or of cards containing such information with respect to each passenger so recorded as may be required in these regulations, or shall consist of both the index and the cards whenever both are required to constitute the manifest under these regulations.

(2) The master of every ship arriving at any port of entry in Canada from any port outside of Canada shall forthwith after arrival of the ship and before examination of the persons on board, deliver to the immigration officer in charge the typewritten or printed list prescribed by the Minister, showing:

- (a) with respect to each person on board exclusive of crew members but including stowaways,
 - (i) his full name,
 - (ii) his last address,
 - (iii) his country of departure, and
 - (iv) his place of destination in Canada or in another country;
- (b) whether any such person on board appears to fall within one of the categories described in paragraph (a), (b) or (c) of section 5 of the Act; and
- (c) whether any birth has taken place during the voyage or whether any person has died during the voyage in which case the cause of death shall be specified and reference made to the relatives or other persons accompanying the deceased person who are entitled to take charge of the moneys and effects left by the deceased.

(3) The manifest referred to in subsection (1) shall be verified by the signature and the oath of the master taken before an immigration officer at the port of entry in Canada or the certificate of the master attesting to the correctness and truth of the information given herein, and by the signature and the oath or certificate of the surgeon of the ship sailing therewith taken in like manner stating his professional qualifications and attesting to the correctness, in so far as he could determine by his personal examination, of the information given therein with respect to the physical and mental condition of each person named therein.

(4) If no surgeon sails with a ship referred to in subsection (2), the master of such ship shall certify that a surgeon employed by the transportation company responsible for such ship has conducted a medical examination of the persons named in the manifest.

(5) The master of a ship shall also deliver to the immigration officer in charge, for each person whose name appears on such manifest, with the exception of persons who are Canadian citizens, a card in the form prescribed by the Minister.

(6) The master or officer in control of an aircraft coming to an airport in Canada from any place outside of Canada shall deliver to the immigration officer in charge at such airport.

Immigration Act—continued

- (a) an individual card in the form prescribed by the Minister for each passenger on board, with the exception of passengers who are Canadian citizens;
- (b) a signed declaration to the effect that an individual card has been delivered for each such passenger, with the exception of passengers who are Canadian citizens, wherein shall be stated whether any passenger has been found to belong to any of the classes of persons described in paragraph (a), (b) or (c) of section 5 of the Act; and
- (c) a list of all the passengers on each flight.

(7) The Minister may exempt the master of any ship or aircraft coming to Canada or the transportation company operating such ship or aircraft from any or all of the requirements of subsections (2), (3), (4), (5) or (6) and may prescribe such further or other requirements or documents in their stead as he may deem appropriate.

(8) The director, manager or agent of any group of non-immigrants described in paragraph (g) of subsection (1) of section 7 of the Act shall deliver to the immigration officer in charge whenever the latter so requests a list in the form prescribed by the Minister.

(9) The master of any ship or aircraft leaving Canada for any foreign country shall deliver to the immigration officer in charge at the port of departure and before departure, a manifest of all outbound passengers in the form prescribed by the Minister; however, if the Minister so permits such outbound manifest may be transmitted on or before any date that he may fix.

(10) The Minister may require a transportation company to transmit to him in such manner as he may prescribe, prior to the departure of any of its vehicles for Canada, an abstract of the manifest wherein shall be given such information concerning immigrants on board any such vehicle as may be called for in the form of abstract provided for by him.

(11) The master, the conductor or the surgeon of any vehicle or other person referred to in this section who

- (a) fails to deliver a manifest or other document required by this section,
- (b) fails to state in such document all the information called for,
- (c) makes any false statement in such document, or
- (d) fails to account for every person whose name appears on such document,

is guilty of an offence and is liable on summary conviction to a fine not exceeding three hundred dollars and not less than fifty dollars for every person with regard to whom any such omission occurs or any such false statement is made.

Members of a Crew:

Lists and Control

9. (1) Upon arrival of any ship in Canada from any port outside of Canada exclusive of any port in the United States of America, Alaska, Saint-Pierre and Miquelon, the master of such ship shall deliver to the immigration officer in charge a crew list or manifest of seamen and other persons employed on such ship, in the form prescribed by the Minister.

(2) Unless otherwise ordered by the Minister, the master of a ship employing more than five persons on its board or the agent of the transportation company owning or operating the ship, where such ship plies

Immigration Act—continued

between Canada and the United States of America, Alaska, Saint-Pierre and Miquelon, shall deliver a crew list or manifest in the form prescribed by the Minister to the immigration officer in charge at the port in Canada where it docks for the first time at the opening of the inland navigation season in Canada and upon every return trip or every two months whichever is the longer period.

(3) Before the departure of any ship, the master of such ship shall deliver to the immigration officer in charge at the last port of departure in Canada, a statement in the form prescribed by the Minister regarding any change in crew prior to departure having reference to the crew manifest mentioned in subsection (1), containing a list of the names of all persons who were not employed on such ship at the time of departure, and also the names of those who have been paid off or discharged or who have been left ashore in hospital or who have died and of all those who have deserted, and where no such occurrence is to be reported, a notice prescribed by the Minister shall be transmitted by such master or agent to the immigration officer in charge.

(4) Transportation companies carrying persons to Canada on vehicles other than ships shall deliver to the immigration officer in charge at the nearest port of entry or shall forward to the Director at Ottawa, immediately upon gaining knowledge thereof, a statement in the form prescribed by the Minister, giving the names and means of identification of any person employed by such company on board any of its vehicles who have been discharged in Canada, have deserted or have been left behind.

(5) Every statement required by this section shall be given under oath.

(6) A transportation company, agent or master shall be liable on summary conviction to a fine of fifty dollars in respect of each person for whom no report is made as requested in this section or to a fine of five hundred dollars, whichever is the lesser, whether such person fails to deliver any one of the statements called for in this section or to furnish all the information required in each such statement.

(7) No person employed on board a vehicle bringing persons to Canada shall be discharged in Canada without such person having been previously examined by an immigration officer and the master or agent who so discharges such a person shall be liable on summary conviction to a fine of one hundred dollars for each such person.

(8) Any transportation company, agent or master of a vehicle arriving in Canada from any port or place outside of Canada, who knowingly signs on the ship's articles, engages as an employee on board such vehicle or brings to Canada as a member of the crew, any person, with the intent to permit such person to come to Canada or enter or land in Canada contrary to the provisions of the Act or these regulations, or who represents orally or in a statement or report referred to in this section, to the immigration officer in charge or to any other immigration officer that any such person is a *bona fide* officer or member of the crew, shall be liable on summary conviction to a penalty of five hundred dollars in respect to each such person.

(9) Where a member of a crew is permitted to enter Canada for a limited period of time and for medical treatment or other purpose authorized by the immigration officer in charge, the transportation company

Immigration Act—continued

employing such person shall undertake to provide for such medical treatment and the means for the ultimate removal of such person, and it shall give proof that all costs of medical treatment and ultimate removal or ultimate removal only have been provided for, failing which it shall make a deposit or enter into a bond in favour of the Receiver General of Canada, as may be requested by the immigration officer in charge in such amount as may be deemed by such officer sufficient to cover all expenses then foreseeable.

(10) A receipt in the form prescribed by the Minister shall be given to the person making the deposit prescribed in section 66 of the Act.

Detention

10. (1) Where a person ordered deported is found to be sick or complains of some sickness, he shall be examined by a medical officer and shall be hospitalized for treatment or observation as the medical officer may direct; the costs of hospitalization and medical treatment shall be deemed to be detention costs and shall be charged and collected as such from the transportation company liable for the costs of deportation.

(2) Detention costs shall be collected in all cases where a transportation company is liable for the cost of deportation and such costs shall be charged in accordance with prevailing rates as shall be assessed by the immigration officer in charge following approval thereof by the Director.

(3) On board any vehicle of a transportation company directed to deport or to pay deportation costs or to carry any person who is ordered deported, such person shall be afforded accommodation or treatment similar and equivalent to that granted to paying passengers.

(4) A transportation company that is liable for the costs of deportation shall be responsible for the detention or safe removal of persons who have been ordered deported both while awaiting and during deportation and such from the time in each instance, that a person ordered deported has been transferred to it by an immigration officer.

(5) A receipt shall be given to the immigration officer by the master of a vehicle taking on board a person ordered deported, for each such person.

Stowaways

11. (1) The master of any vehicle arriving at any place in Canada shall not permit any stowaway to leave the vehicle without the written permission of the immigration officer in charge and shall be responsible to hold such stowaway on board pending departure.

(2) The transportation company owning or operating a vehicle on which a stowaway has been found to arrive in Canada, shall assume the costs of detention and deportation of such stowaway.

(3) The master of a ship that had one or more stowaways on board shall be liable on summary conviction to a fine of not more than three hundred dollars and not less than fifty dollars for every stowaway who escapes or leaves such ship without the written permission of the immigration officer in charge or after such stowaway has been ordered to be deported, and such fine shall be doubled if such master fails to report such escape.

Immigration Act—continued

Accommodation by Transportation Companies

12. (1) Whenever the Minister shall so request in writing, a transportation company shall provide, equip and maintain suitable buildings, accommodation or other facilities for the proper detention and examination of persons brought to Canada or to be deported from Canada on a vehicle of such company and the suitability thereof shall be determined by the Minister.

(2) Bridge companies or transportation companies bringing persons to Canada by bridge shall also provide open space on the approaches or within reasonable proximity of the bridge, for the examination of all persons crossing such bridge whether on foot or by vehicle. Rules for the control of traffic on such open space may also be prescribed by the Minister.

(3) Plans, designs or adequate descriptions and details of any building, accommodation or other facility to be provided under subsection (1) shall be furnished by the transportation company concerned and shall require prior approval of the Minister.

Deportation Orders

13. (1) A deportation order in the form prescribed by the Minister shall be executed in duplicate and one duplicate original shall be served upon the person ordered deported by remitting such duplicate original to him personally whenever practicable and in other instances, by forwarding it by registered mail to his last known address.

(2) A copy of the deportation order shall be forwarded to the transportation company that is obligated to remove or to pay the costs of deportation of the person ordered deported and such copy may form part of a notice in the form prescribed by the Minister.

(3) A transportation company may request once only in each case that deportation be made to a country other than that designated in the deportation order or other order made by the Minister, Director or a Special Inquiry Officer.

Safeguarding of Persons Ordered Deported

14. (1) A transportation company is responsible for the safeguarding of all persons ordered deported or rejected who are transferred to it or to the master of one of its vehicles, from the time of such transfer.

(2) Where a transportation company that is not liable under the Act for the costs of deportation has been directed to carry a person ordered deported, it shall become liable for all detention and deportation costs

- (a) if it refuses to take on board or carry a person ordered deported following a proper written direction given by the immigration officer in charge;
- (b) if it fails to guard safely any such person on board its vehicles or at such other place where such person may have been detained until he can be placed on board the vehicle on which he is to be guarded;
- (c) if it does not report forthwith the escape from custody of any person ordered deported; or
- (d) if it fails to carry the person ordered deported to the place in the country of destination of such person, designated on the order of deportation or on the written direction of deportation.

Immigration Act—continued*Clearance*

15. (1) Clearance shall be granted to a ship or aircraft only when the immigration officer in charge remits to the master of such vehicle a form prescribed to that effect by the Minister, or causes such form to be remitted to such master through a person authorized thereto.

(2) Where a ship or aircraft leaves Canada without having been granted clearance as provided for in subsection (1), the transportation company operating such vehicle or the agent of such transportation company shall be liable on summary conviction to a fine of one thousand dollars.

Persons who Require Assistance to come to Canada

16. An immigrant who has received financial assistance to enable him to obtain passage to Canada shall not be admitted to Canada unless such assistance was granted by an organization or group of persons or a person accredited thereto by the Minister prior to any such assistance being given and a return has been made by such organization, group of persons or person showing the terms and conditions under which such assistance was given.

Literacy Tests

17. The Minister may issue instructions that no person over sixteen years of age shall be admitted to Canada unless such person is able to read in his own language and this ability has been established from the reading of cards printed in capital letters, written in such person's own language or in the language he wishes the test to be made and approved by the Minister, and such instructions shall not apply to the ascendant or the wife of a person who has been landed in Canada or whose coming to Canada is authorized by the Minister.

Passport, Visa and Medical Requirements

18. (1) Every person seeking to enter or land in Canada shall be in possession of an unexpired passport issued by the country of which such person is a subject or citizen.

(2) A travel document or certificate of identification may be accepted in lieu of the passport referred to in subsection (1),

- (a) in the case of a woman who has become a British subject by reason of marriage to a British subject domiciled in Canada, or
- (b) in the case of a person who is stateless or is a refugee from his country of origin or of nationality and who is not in possession of such a passport or is unable to obtain one but who establishes to the satisfaction of an immigration officer that he can return to the country which he leaves to seek to come to Canada or that he can go to some other country.

(3) The passport or travel document of every person who seeks to enter or to land in Canada shall carry the visa of a Canadian immigration officer or, where there is no such officer in the country of issue, of a Canadian diplomatic or consular officer and where Canada is not so represented, of a British diplomatic or consular officer.

(4) The visa shall show whether the holder of the passport or travel document seeks to come to Canada as an immigrant or as a non-immigrant.

(5) The certificate constituting the visa shall make reference to a number that has been recorded in a register prescribed by the Minister.

Immigration Act—continued

(6) In the case of persons who are not in possession of an immigrant visa or of a medical card as provided for in these regulations, the transportation company that brings to Canada any such person who is found to fall within the classes of persons described in paragraph (a), (b) or (c) of section 5 of the Act, shall pay to the immigration officer in charge at the port of entry the sum of three hundred dollars for each such person brought to Canada and in addition a sum equal to that paid by such person for his transportation from the place in the country whence he was brought or from the country of his birth or citizenship.

(7) No immigrant shall be admitted to Canada, whose passport or other travel document does not bear a medical certificate duly signed by a medical officer or a medical certificate in the form prescribed by the Minister showing that such person has undergone medical examination sufficient to establish that such person does not fall within one of the classes described in paragraph (a), (b), (c) or (s) of section 5 of the Act, and if at the examination the immigration officer should entertain any doubt as to the physical or mental condition of such person, he may refer him for further medical examination by a medical officer.

(8) Subsection (7) does not apply in the case of persons who

(a) are British subjects by birth or by naturalization in the United Kingdom, Australia, New Zealand or the Union of South Africa, citizens of Ireland and citizens of France born in France or in Saint-Pierre and Miquelon, but persons described in this paragraph may, as a measure of facilitation, possess a medical card in the form prescribed by the Minister, or a passport or travel document bearing a medical certificate duly signed by a medical officer; or

(b) come directly from the United States of America or Alaska.

(9) The Minister may exempt any person or any class of persons from any or all the requirements of this section and may prescribe such further or other requirements or documents in their stead as he may deem appropriate.

Conditional Value

19. The passing of any test or medical examination outside of Canada, or the issue of a visa as provided for herein shall not have any conclusive value in determining the admissibility of any person to Canada.

Norms of Admissibility

20. (1) Subject to the provisions of the Act and to these regulations, a person who seeks to be admitted to Canada may be so admitted if he is found by an immigration officer in charge to fall within one of the following classes of persons to which admission is hereby limited:

(a) British subjects by birth or by naturalization in the United Kingdom, Australia, New Zealand or the Union of South Africa and citizens of Ireland;

(b) citizens of the United States of America;

(c) citizens of France born in France or in Saint-Pierre and Miquelon Islands;

and if such a person has sufficient means to maintain himself until he has secured employment.

Immigration Act—continued

(2) Subject to the provisions of the Act and to these regulations, the landing in Canada of any Asian is limited to the following classes of person or persons; the wife, the husband or the unmarried children under twenty-one years of age of any Canadian citizen resident in Canada who is in a position to receive and care for his dependents.

(3) Subject to the provisions of the Act and to these regulations, the landing in Canada of any immigrant is limited to nationals of a country with which the Government of Canada has entered into an agreement or convention respecting immigration or in regard to which there is in operation an agreement or convention.

(4) Subject to the provisions of the Act and to these regulations, the admission to Canada of any person is prohibited where in the opinion of a Special Inquiry Officer such person should not be admitted by reason of

- (a) the peculiar customs, habits, modes of life or methods of holding property in his country of birth or citizenship or in the country or place where he resided prior to coming to Canada;
- (b) his unsuitability, having regard to the economic, social, industrial, educational, labour, health or other conditions or requirements existing, temporarily or otherwise, in Canada or in the area or country from or through which such person comes to Canada, or
- (c) his probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after his admission.

FORMS

Forms for the purposes of these regulations may be obtained on application to the Immigration Branch, Department of Citizenship and Immigration, Ottawa.

2. Assisted Passage Loan Fund Regulations

P.C. 1954-1352

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of September, 1954.

PRESENT:**HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL**

His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration and pursuant to section 69 of the Immigration Act, is pleased to order as follows:

1. The Regulations governing loans to immigrants in respect of the costs of their transportation, established by Order in Council P.C. 1953-860 of 26th May, 1953, as amended, are hereby revoked; and

2. The annexed "Assisted Passage Loan Fund Regulations" are hereby made and established in substitution for the regulations hereby revoked.

ASSISTED PASSAGE LOAN FUND REGULATIONS*Short Title*

1. These regulations may be cited as the *Assisted Passage Loan Fund Regulations*.

Immigration Act—concluded

Interpretation

2. In these regulations,
 - (a) "Minister" means the Minister of Citizenship and Immigration; and
 - (b) "transportation" includes ocean transportation to Canada, inland rail transportation in Canada and in respect of the latter, meals en route, and the reasonable living expenses of immigrants en route from the place whence they came to the place of destination in Canada.

Assisted Passage Loan Fund

3. There is hereby established an Assisted Passage Loan Fund in the amount of \$9,000,000.

Loans to Immigrants

4. (1) Loans may be made by the Minister to immigrants coming to Canada, in such amount in each case as may be reasonably sufficient to defray the actual costs of their transportation to and in Canada.
- (2) The Minister may, from time to time, designate classes of immigrants to whom such loans may be made.

Repayment of Loans

5. (1) When a loan is made to an immigrant pursuant to section 4 he shall undertake in writing on a form prescribed by the Minister to repay the loan in full by way of regular monthly instalments within a period of twenty-four months following the date of his landing in Canada.

(2) Notwithstanding subsection (1), the Minister may accept an undertaking to repay assisted passage loans from an organization in Canada approved by him for the purpose, in lieu of the undertaking of the individual immigrants granted the loans; repayment in instalments to be made at periods agreed upon between the Minister and such organization, but in no case shall the total period for repayment exceed twenty-four months following the date of the landing in Canada of the immigrants.

6. When a loan is made in accordance with section 5 to an immigrant who is coming to Canada to be employed as a salary or wage earner, such immigrant shall authorize his prospective employer in Canada, in writing, to make deductions to be applied towards repayment of the loan from his salary or wages, and such employer shall remit the amounts so deducted to the order of the Receiver General of Canada in accordance with such instructions as may be given to him by the Minister.

Conditions governing Loans

7. An immigrant receiving a loan as aforesaid in section 6 shall undertake,
 - (a) to remain in the class of employment selected for him by an authorized representative of the Government of Canada until all loans made to him by the Government of Canada towards the costs of transportation have been fully repaid and, in any case, for a period of at least one year immediately after his arrival in Canada; and
 - (b) not to transfer from the class of employment to which he belonged when he came to Canada or from one employer to another without the prior approval of an authorized representative of the Government of Canada.

INCOME TAX ACT. (R.S.C., 1952, c. 148)

	Page
1. Rules of practice and procedure in appeals under section 55	1868
2. Income Tax Appeal Board, Rules of Practice and Procedure	1870
3. Income Tax Regulations	1872

1. Rules of Practice and Procedure in Appeals under section 55

P.C. 989

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 19th day of February, 1952.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL

His Excellency the Administrator in Council, on the recommendation of the Acting Minister of Justice and by virtue of the powers conferred by section 94 of The Income Tax Act, is pleased to order as follows:

- 1. The Rules of Practice and Procedure in Appeals to the Exchequer Court of Canada from the Income Tax Appeal Board, established by Order in Council P.C. 1 of 5th January, 1950, are hereby revoked; and
- 2. The annexed "Rules of Practice and Procedure in Appeals to the Exchequer Court of Canada under section 55 of The Income Tax Act" are hereby made and established in substitution for the Rules hereby revoked.

RULES OF PRACTICE AND PROCEDURE IN
APPEALS TO THE EXCHEQUER COURT OF CANADA
UNDER SECTION 55 OF THE INCOME TAX ACT

- 1. In these rules,
 - (a) "Board" means the Income Tax Appeal Board,
 - (b) "Court" means the Exchequer Court of Canada,
 - (c) "Minister" means Minister of National Revenue.
- 2. The Notice of Appeal required to institute an appeal to the Court under section 55 of The Income Tax Act shall be prepared, as closely as may be, in the form set forth in Schedule A to these Rules.
- 3. Where, in an appeal by a taxpayer from the Income Tax Appeal Board, security for costs has been given to the satisfaction of the Minister, as required by section 89 of The Income Tax Act, the Minister shall forthwith give notice thereof to the Registrar of the Board in the form set forth in Schedule B to these rules.
- 4. When the Registrar of the Board has transmitted to the Registrar of the Court the material that he is required by section 91 of The Income Tax Act so to transmit, he shall forthwith notify both the taxpayer and the Minister that he has done so.

Income Tax Act—continued

5. If the taxpayer has failed to notify the Minister of the name of an agent in Ottawa on whom service of documents may be made, the Court may, on an *ex parte* application by the Minister, order that service of documents be made by being sent by registered mail to the taxpayer or his solicitor at the last known address or that service be made in such other manner as the Court may determine.

6. The general rules and orders of the Court are applicable *mutatis mutandis* to an appeal insofar as they are not inconsistent with The Income Tax Act or these rules.

Schedule A

Form of Notice of Appeal

IN THE EXCHEQUER COURT OF CANADA

In re The Income Tax Act

BETWEEN:

Appellant,

—and—

Respondent.

Notice of appeal is hereby given from the decision of the Income Tax Appeal Board dated the day of in respect
of (delete words underlined if appeal is under subsection (2) of section 55)
the income tax assessment for the taxation year 19 of (name
of taxpayer) of (name of city, town or village) , in the Province
of

A. Statement of Facts: (allegations of fact set out in accordance with the general rules and orders of the Court insofar as applicable to a statement of claim)

B. The statutory provisions upon which the Appellant relies and the reasons which he intends to submit:

C. Name and address of solicitor: (if any)

D. Name and address of Ottawa agent:

DATED at this day of 19 .

.....
Signature.

Income Tax Act—continued**Schedule B***Form of Notification of Filing
Security for Costs*

In re The Income Tax Act

BETWEEN:

Appellant,

—and—

Respondent.

In the matter of the Appeal to the Exchequer Court of Canada in respect of the income tax assessment for the taxation year of (name of taxpayer) of (name of city, town or village) of the Province of

Notice is hereby given that security for costs has been given herein to the satisfaction of the Minister of National Revenue.

DATED at Ottawa this day of 19 .

for Minister of National Revenue.

To:

The Registrar,
Income Tax Appeal Board,
Ottawa, Ontario.

2. Income Tax Appeal Board, Rules of practice and procedure

P.C. 1954-1734

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to section 87 of the Income Tax Act, is pleased to order as follows:

1. Order in Council P.C. 4302 of 24th August, 1949, as amended, whereby certain Rules of Practice and Procedure made by the Income Tax Appeal Board on August 23, 1949, were approved, is hereby revoked; and

2. The annexed "Rules of Practice and Procedure in Appeals to the Income Tax Appeal Board", made by the Board on November 12, 1954, to govern the carrying on of the business of the Board and to regulate the practice and procedure in proceedings taken before the Board, are hereby approved.

Income Tax Act—continued**RULES OF PRACTICE AND PROCEDURE IN APPEALS
TO THE INCOME TAX APPEAL BOARD**

1. An appeal to the Board shall be made in writing, signed by the appellant or his solicitor or agent, and shall as closely as may be follow the form set forth in the Schedule hereto, and shall set out a statement of the allegations of fact and the reasons which the appellant intends to submit in support of the appeal.

2. The Board may request of any party to the appeal additional information relative to the assessment or the appeal therefrom and such request shall be complied with in such time as shall be directed by the Board.

3. The Board may, having regard to all the circumstances including the matter of expense and convenience to the appellant, fix the time and place for the hearing of any appeal.

4. The Board shall give to the parties to the appeal, at least fifteen days notice of the time and place of the hearing.

5. The Board may postpone the hearing of any appeal and, where the postponement is not to a definite date, the Board shall give to the parties to the appeal at least fifteen days' notice of the time and place of the postponed hearing.

6. Service of any notice, request or other document provided for in these rules may be effected on any party to the appeal by personal service or by registered mail addressed in the case of the Minister to the Deputy Minister of National Revenue for Taxation at Ottawa, and in the case of the appellant to the address given in the Notice of Appeal.

7. (1) When an appeal has been set down for hearing, either party may make application to the Board for the appeal to be heard at a time or place other than appointed in the Notice of Hearing.

(2) Such application shall be made as promptly as possible after receipt of the Notice of Hearing and may be by telegram or in writing, addressed to the Registrar, Income Tax Appeal Board, Ottawa, Ontario.

(3) The application shall set out the reasons in support of the application and a copy thereof shall forthwith be sent by the applicant to the other party to the appeal.

(4) Such other party shall, as soon as possible after receipt of a copy of the application, notify the Board of his consent or opposition to the application and, if the latter, shall set out his reasons therefor.

(5) The Board may grant or refuse the application or fix such other time or place for the hearing as it deems advisable in the circumstances.

(6) Applications for postponement of a hearing, other than as under this rule provided, shall not be granted unless supported by reasons of urgency.

8. Where, pursuant to the provisions of the Act, the Board or Chairman has ordered that written submissions be filed in addition to or in place of an oral hearing, the facts set out therein shall be verified by affidavit.

Income Tax Act—continued

Schedule

FORM OF NOTICE OF APPEAL:

In re the Income Tax Act and
(Name of Appellant
of the of
(City, Town or Village) (Name of City, Town or Village)
Province of
.....
(Appellant)

Notice of Appeal to the Income Tax Appeal Board is hereby given from the assessment dated the day of 19.... wherein a tax in the sum of \$...... was levied in respect of income for the taxation year 19....

- Then complete the Notice of Appeal with
- (1) A statement of allegations of fact,
 - (2) A statement of the reasons to be advanced in support of appeal, and
 - (3) Address for service of notices, etc.

Dated at this day of 19....
.....
(Signature)

3. Income Tax Regulations

P.C. 1954-1917

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the joint recommendation of the Minister of National Revenue and the Minister of Finance and by virtue of the powers conferred by section 117 of the Income Tax Act, is pleased to order as follows:

- 1. The Income Tax Regulations, made and established by Order in Council P.C. 6471 of 22nd December, 1949, as amended, shall not be applicable to taxation years after the 1953 taxation year; and
- 2. The annexed "Income Tax Regulations" hereby made and established shall be applicable to the 1954 and subsequent taxation years.

Income Tax Act—continued

Income Tax Regulations

1. These regulations may be cited as the *Income Tax Regulations*.

PART I

Tax Deduction

DEFINITIONS

100. (1) In this Part and in Schedule A,
- (a) “employee” means any person receiving remuneration;
 - (b) “employer” means any person paying remuneration;
 - (c) “exemptions” means the aggregate of the deductions to which an employee claims to be entitled under section 26 of the Act, as shown on the return filed with the employer in accordance with the provisions of subsection (2) of section 123 of the Act; and
 - (d) “remuneration” includes any payment in respect of
 - (i) salary or wages;
 - (ii) a superannuation or pension benefit (including an annuity payment made pursuant to or under a superannuation or pension fund or plan);
 - (iii) a retiring allowance; or
 - (iv) a death benefit.
- (2) In Schedule A, “pay” means “remuneration” as defined in subsection (1).

EMPLOYEE’S SUPERANNUATION FUND CONTRIBUTIONS

101. For the purpose of this Part, where an employer retains from a payment of remuneration an amount contributed by the employee to or under an approved superannuation fund or plan, the balance remaining after deducting the amount retained shall be deemed to be the amount of remuneration paid.

AMOUNT TO BE DEDUCTED

102. (1) Except as otherwise provided in this Part, the amount to be deducted under subsection (1) of section 47 of the Act shall be determined in accordance with the Table of Tax Deductions (Table 9) set forth in Schedule A, having regard to the amount of remuneration paid to an employee, the length of the pay period and the employee’s exemptions.

(2) Where the amount of remuneration for the pay period is not provided for in Table 9 and the pay per year, less exemptions, is provided for in Column (1) of Table 9A of Schedule A, the amount to be deducted under subsection (1) of section 47 of the Act is the amount indicated in the appropriate Column (2), (3) or (4) of Table 9A having regard to the length of the pay period.

(3) In subsection (2) “pay per year” means the product of the amount of remuneration for the pay period multiplied by the number of pay periods in a full year.

Income Tax Act—continued

(4) Where the pay period is not one for which provision is made in Schedule A, or the amount of the pay is greater than is provided for in Schedule A, the employer shall notify the Minister and the amount to be deducted shall be as the Minister may determine.

(5) In lieu of making the deductions in accordance with subsection (1) or (2) an employer may, with the approval of the Minister, make a deduction from each payment equal to that proportion of the payment that the tax on the estimated total annual remuneration of the employee, calculated at the prevailing rates, is of the estimated total annual remuneration.

BONUS OR RETROACTIVE INCREASE

103. (1) Where a payment in respect of a bonus or retroactive increase in remuneration is made to an employee whose total remuneration (including the bonus or retroactive increase) will not exceed \$5,000 in the calendar year, the employer may deduct 17% of such payment in lieu of the amount determined under Schedule A; provided that if such total remuneration does not exceed the employee's exemptions no deduction need be made from such payment.

(2) Where a payment in respect of a bonus is made to an employee whose total remuneration (including the bonus) will exceed \$5,000 in the calendar year, the amount to be deducted is

(a) the amount determined under Schedule A in respect of an assumed remuneration equal to

(i) the regular remuneration, plus

(ii) an amount equal to the bonus payment divided by the number of pay periods in the year

minus

(b) the amount determined under Schedule A in respect of the regular remuneration

multiplied by

(c) the number of pay periods in the year.

(3) For the purpose of this section a payment described in section 36 of the Act shall be deemed to be a bonus unless the recipient elects that the deduction be that proportion of the payment that

(a) the total of the deductions made by the employer under subsection (1) of section 47 of the Act, from the remuneration of the person in respect of whom the payment is made, in the last year (preceding the taxation year) and the 2 years immediately preceding that year

is of

(b) the total of the remuneration referred to in paragraph (a).

(4) Where a payment in respect of a retroactive increase in remuneration is made to an employee whose total remuneration (including the retroactive increase) will exceed \$5,000 in the calendar year, the amount to be deducted is

(a) the amount determined under Schedule A in respect of the new rate of remuneration

minus

(b) the amount determined under Schedule A in respect of the previous rate of remuneration

Income Tax Act—continued

multiplied by

- (c) the number of pay periods in respect of which the increase in remuneration is retroactive.

NON-RESIDENTS

104. (1) Every person making a payment in respect of services rendered in Canada by a non-resident, otherwise than in the course of regular and continuous employment, shall deduct 17% of such payment.

(2) Where an amount is determined in accordance with subsection (1), section 102 is not applicable.

CASES WHERE DEDUCTION NOT REQUIRED

105. (1) No deduction shall be made under subsection (1) of section 47 of the Act in respect of

- (a) an employee who will not receive in the calendar year total remuneration in excess of exemptions;
- (b) an employee who is a resident of the United States of America temporarily employed in Canada for a period or periods not exceeding a total of 183 days in the calendar year and whose total remuneration from employment in Canada will not exceed \$5,000 in such year; or
- (c) remuneration for teaching at a university, college, school or other educational institution received by a professor or teacher who is a resident of New Zealand, the United Kingdom of Great Britain and Northern Ireland or the United States of America and who is visiting Canada for the purpose of teaching for a period not exceeding 2 years.

(2) Subsection (1) shall not apply unless the employee files with the employer a return in prescribed form.

UNDUE HARDSHIP

106. Where the Minister is satisfied that the amount otherwise to be deducted would constitute an undue hardship, he may determine the amount, if any, to be deducted.

EMPLOYEE TO FILE RETURN WITH EMPLOYER

107. The return required under the provisions of subsection (2) of section 123 of the Act shall be filed with the employer when the employment commences and a new return shall be filed within 7 days of the date on which a change occurs in the deductions to which the employee is entitled under section 26 of the Act.

PAYMENT OF TAX DEDUCTIONS

108. (1) Amounts deducted or withheld under the provisions of subsection (1) of section 47 of the Act shall be paid to the Receiver General of Canada on or before the fifteenth day of the month next succeeding the month in which the employer paid the remuneration.

Income Tax Act—continued

(2) Where an employer has ceased to carry on business, any amount deducted or withheld under subsection (1) of section 47 of the Act that has not been paid to the Receiver General of Canada shall be so paid within 7 days of the day when the employer ceased to carry on business.

(3) Payments made to the Receiver General of Canada under subsection (1) of section 47 of the Act shall be accompanied by a return in prescribed form.

(4) Amounts deducted or withheld under the provisions of subsection (4) of section 47 of the Act shall be paid to the Receiver General of Canada within 60 days after the end of the taxation year subsequent to the 12 month period referred to in the said subsection (4)

ARMED FORCES

109. This Part does not apply in respect of remuneration on which tax is paid under the provisions of section 66 of the Act.

PART II**Information Returns****REMUNERATION**

200. Every person who has made payments described in subsection (1) of section 47 of the Act shall make a return in prescribed form in respect of the payments so made.

INVESTMENT INCOME

201. (1) Every person who has made payments, described in subsection (2), to residents of Canada shall make a return in prescribed form.

(2) The payments referred to in subsection (1) are:

- (a) dividends and amounts deemed by the Act to be dividends,
- (b) payments in respect of an allocation in proportion to patronage within the meaning of section 75 of the Act,
- (c) interest
 - (i) on fully registered bonds or debentures,
 - (ii) in respect of deposits with persons authorized by law to receive deposits, and
 - (iii) in respect of accounts with investment dealers or brokers, and
- (d) royalty payments in respect of the use of a work or invention or the right to take natural resources.

(3) Every person who receives any payment described in subsection (2) as nominee or agent for some other person resident in Canada shall make the return referred to in subsection (1).

(4) Where a person has received interest or dividends, described in subsection (1) of section 128 of the Act, for some other person resident in Canada and the beneficial owner thereof has not been disclosed on the ownership certificate, then the person receiving the interest or dividend shall make the return referred to in subsection (1).

Income Tax Act—continued**PAYMENTS TO PERSONS IN THE UNITED STATES**

202. Every person making payments to, or receiving payments on behalf of, a person whose address is within the United States of America in respect of dividends, interest, rents, royalties, salaries, wages, pensions or other fixed or determinable annual or periodical profits and income derived from sources within Canada shall, in addition to any other return required by the Act or these regulations, make a return in prescribed form.

CERTAIN PAYMENTS TO NON-RESIDENTS

203. (1) Every person in Canada who, as a nominee, agent, or custodian receives income derived from sources within the United States of America on behalf of a person whose address is outside Canada shall make a return in prescribed form in respect of such income.

(2) The return required under this section shall be filed on or before March 15, and shall be in respect of the preceding calendar year.

ESTATES AND TRUSTS

204. (1) Every person having the control of, or receiving, income, gains or profits in a fiduciary capacity shall make a return in prescribed form in respect thereof.

(2) The return required under this section shall be filed within 90 days from the end of the taxation year and shall be in respect of the taxation year.

DATE RETURNS TO BE FILED

205. (1) All returns required under this Part shall be filed with the Minister without notice or demand and, unless otherwise specifically provided, on or before the last day of February in each year and shall be in respect of the preceding calendar year.

(2) Where a person who is required to make a return under this Part discontinues his business or activity, the return shall be filed within 30 days of the day of the discontinuance of the business or activity and shall be in respect of any calendar year or a portion thereof prior to the discontinuance of the business or activity for which a return has not previously been filed.

LEGAL REPRESENTATIVES AND OTHERS

206. (1) Where a person, who is required to make a return under this Part, has died, such return shall be filed by his legal representatives within 90 days of the date of death and shall be in respect of any calendar year or a portion thereof prior to the date of death for which a return has not previously been filed.

(2) Every trustee in bankruptcy, assignee, liquidator, curator, receiver, trustee or committee and every agent or other person administering, managing, winding-up, controlling or otherwise dealing with the property, business, estate or income of a person who has not filed a return as required by this Part shall file such return.

Income Tax Act—continued**OWNERSHIP CERTIFICATES**

207. (1) An ownership certificate completed under section 128 of the Act shall be delivered to the debtor or encashing agent at the time the coupon, warrant or cheque is negotiated.

(2) The debtor or encashing agent to whom an ownership certificate has been delivered shall forward it to the Minister on or before the fifteenth day of the month following the month the coupon, warrant or cheque was negotiated.

(3) The provisions of section 128 of the Act are extended to bearer coupons or warrants negotiated by or on behalf of non-resident persons who are subject to tax under Part III of the Act in respect of such coupons or warrants.

NON-RESIDENT TAX DEDUCTED BY TRUST COMPANIES

208. (1) Where a corporation has deducted or withheld tax in accordance with Part III of the Act in respect of income of or from an estate or trust which was paid or credited to a non-resident person, such corporation shall make a return in prescribed form.

(2) The return required under subsection (1) shall be in respect of each quarter and shall be filed within 90 days from the end of the quarter.

(3) For the purpose of subsection (2) a "quarter" is a period

- (a) beginning January 1 and ending March 31,
- (b) beginning April 1 and ending June 30,
- (c) beginning July 1 and ending September 30, or
- (d) beginning October 1 and ending December 31.

DISTRIBUTION OF TAXPAYER'S PORTION OF RETURN

209. (1) Every person required to file a return referred to in section 200, 201, 202 or 204 shall forward to each taxpayer in respect of whose income the return relates 2 copies of the portion of the return relating to such taxpayer except in the case of the form referred to in section 202 in which case one copy only shall be sent to the taxpayer.

(2) The copies referred to in subsection (1) shall be sent to the taxpayer at his last known address, or delivered to him in person, on or before the date the return is required to be filed with the Minister.

CEASING OR FAILING TO REMIT TAX DEDUCTIONS

210. (1) Where a person who has been remitting amounts deducted or withheld in compliance or purported compliance with subsection (1) of section 47 of the Act ceases or fails to remit at the time prescribed, he shall file a return in prescribed form and containing prescribed information on or before the twentieth day of the month following the month in which the last remittance was made by him.

(2) Whether or not a person is required to file the return referred to in subsection (1) every person shall, on demand by registered letter from the Minister, file with the Minister, within such reasonable time as may be stipulated in the registered letter, the return referred to in subsection (1).

Income Tax Act—continued

ACCRUED BOND INTEREST

211. (1) Every financial company making a payment in excess of \$3 in respect of accrued interest by virtue of an assignment or other transfer of a bond, debenture or similar security (other than an income bond or an income debenture), shall make a return in prescribed form.

(2) The return referred to in subsection (1) shall be forwarded to the Minister on or before the fifteenth day of the month following the month in which the payment, referred to in subsection (1), is made.

(3) For the purpose of this section a financial company includes a bank, an investment dealer, a stockbroker, a trust company and an insurance company.

(4) The provisions of subsection (1) do not apply to a payment made by one financial company to another financial company.

PART III

Capital Element of Annuity Payments

300. (1) For the purpose of paragraph (k) of subsection (1) of section 11 of the Act, if an annuity is paid under a contract the amount deemed to be a return of capital is that proportion of each annuity payment that the consideration for, or purchase price of, the contract is of the total of the payments

- (a) to be made under the contract, in the case of a contract for a term of years certain, or
- (b) expected to be made, in the case of a contract under which the continuation of the payments depends in whole or in part on the survival of a person.

(2) For the purpose of this section,

- (a) where the continuance of the payments under any contract depends on the survival of a person, the table of mortality known as the 1937 Standard Annuity Table as published in Volumes XXXIX and XL of the Transactions of the Actuarial Society of America shall be used in computing the payments expected to be made under the contract, calculations being based on complete expectations of life, and Gompertz's Law of Mortality shall be deemed to apply throughout the Table;
- (b) where the annual payments commence on the expiry of a term of years or on the death of any person, then, the consideration for the contract shall be taken to be the lump sum, if any, which the person entitled to the said annual payments might have accepted in lieu thereof, or the sum ascertainable from the contract as the present value of the annuity at the date the payments commence, and where there is no such sum, then, the consideration shall be taken to be
 - (i) in the case of a contract issued under the *Government Annuities Act*, the premium or premiums paid accumulated with interest at the rate of 4% per annum to the date of expiry of the said term of years; and
 - (ii) in the case of other contracts, the present value of the said payments computed, as at the date the payments commence,

Income Tax Act—continued

on the basis of a rate of interest of 4% per annum, and, where the payments depend on the survival of a person, probabilities of survival according to the said table of mortality;

- (c) where the continuance of the annual payments under any contract depends on the survival of a person, the age of that person on any date as of which a calculation is being made shall be determined by subtracting the calendar year of his birth from the calendar year in which such date occurs; and
- (d) where the continuance of the annual payments under any contract depends on the survival of a person, and where, in the event of the death of that person before the annual payments aggregate a stated sum, the contract provides that the unpaid balance of the stated sum shall be paid, either in a lump sum or instalments, then, for the purpose of determining the expected term of the contract, the contract shall be deemed to provide for the continuance of the payments thereunder for a minimum term certain equal to the nearest integral number of years required to complete the payment of the stated sum.

PART IV**Taxable Income Earned in the Province of Quebec****PROVINCE AND CLASSES OF CORPORATIONS PRESCRIBED**

400. (1) The Province of Quebec is the province prescribed for the purpose of section 40 of the Act.

(2) For the purpose of paragraph (a) of subsection (1) of section 40 of the Act, the following classes of corporations are prescribed:

- (a) corporations that are taxable under the provisions of section 3 of the *Quebec Corporation Tax Act* and that are not taxable under the provisions of section 6 of the *Quebec Corporation Tax Act*, and
- (b) corporations that are taxable under the *Quebec Mining Act* and that are not taxable under section 6 of the *Quebec Corporation Tax Act*.

COMPUTATION OF TAXABLE INCOME

401. For the purpose of subsection (2) of section 40 of the Act, the amount of taxable income earned in a taxation year in a province shall be determined as hereinafter set forth in this Part.

GENERAL RULES

402. (1) Where, in a taxation year, a corporation had no permanent establishment outside the province, the whole of its taxable income for the year shall be deemed to have been earned in the province.

(2) Where, in a taxation year, a corporation had no permanent establishment in the province, no part of its taxable income for the year shall be deemed to have been earned in the province.

Income Tax Act—continued

(3) Except as otherwise provided, where, in a taxation year, a corporation had a permanent establishment in the province and a permanent establishment outside the province, the amount of its taxable income earned in the year in the province shall be determined according to the following rules:

- (a) where the corporation keeps separate accounts for each permanent establishment on the same basis as though the permanent establishment in the province were a separate corporation dealing at arm's length with the permanent establishments of the corporation outside the province, the taxable income earned in the year in the province shall be the amount shown by those accounts to have been earned by the permanent establishment in the province;
- (b) where the separate accounts for each permanent establishment of the corporation are not kept on the same basis as though the permanent establishment in the province were a separate corporation dealing at arm's length with the permanent establishments of the corporation outside the province but the Minister and the corporation agree on the adjustments necessary to put the accounts on that basis, the taxable income earned in the year in the province shall be the amount, so adjusted, shown by those accounts to have been earned by the permanent establishment in the province;
- (c) in any other case, the taxable income earned in the year in the province shall be determined as provided in subsection (4).

(4) Except as otherwise provided, where, in a taxation year, a corporation had a permanent establishment in the province and a permanent establishment outside the province, the amount of its taxable income that shall be deemed to have been earned in the year in the province is one-half the aggregate of

- (a) that proportion of its taxable income for the year that the gross revenue for the year reasonably attributable to the permanent establishment in the province is of its total gross revenue for the year, and
- (b) that proportion of its taxable income for the year that the aggregate of the salaries and wages paid in the year by the corporation to employees of the permanent establishment in the province is of the aggregate of all salaries and wages paid in the year by the corporation.

INSURANCE CORPORATIONS

403. (1) Notwithstanding subsections (3) and (4) of section 402, the amount of taxable income that shall be deemed to have been earned in a taxation year in the province by an insurance corporation is that proportion of its taxable income for the year that the aggregate of

- (a) its net premiums for the year in respect of insurance on property situated in the province, and
 - (b) its net premiums for the year in respect of insurance, other than on property, from contracts with persons resident in the province
- is of the total net premiums for the year of the corporation.

Income Tax Act—continued

(2) In this section, “net premiums” of a corporation for a taxation year means the aggregate of the gross premiums received by the corporation in the year (other than consideration received for annuities), minus the aggregate for the year of

- (a) premiums paid for reinsurance,
- (b) dividends or rebates paid or credited to policyholders, and
- (c) rebates or returned premiums paid in respect of the cancellation of policies,

by the corporation.

(3) In this section, “total net premiums” of a corporation for a taxation year means the aggregate of

- (a) its net premium income in respect of insurance on property situated in each province and each country other than Canada in which the corporation has a permanent establishment, and
- (b) its net premium income in respect of insurance, other than on property, from contracts with persons resident in each province and each country other than Canada in which the corporation has a permanent establishment.

CHARTERED BANKS

404. (1) Notwithstanding subsections (3) and (4) of section 402, the amount of taxable income that shall be deemed to have been earned in a taxation year in the province by a chartered bank is one-third of the aggregate of

- (a) that proportion of its taxable income for the year that the aggregate of the salaries and wages paid in the year by the bank to the personnel of its permanent establishment in the province is of the aggregate of all salaries and wages paid in the year by the bank, and
- (b) twice that proportion of its taxable income for the year that the aggregate amount of loans and deposits of its permanent establishment in the province for the year is of the aggregate of all loans and deposits of the bank for the year.

(2) For the purpose of subsection (1), the amount of loans for a taxation year is one-twelfth of the aggregate of the amounts outstanding, on the loans made by the bank, at the close of business on the last day of each month in the year.

(3) For the purpose of subsection (1), the amount of deposits for a taxation year is one-twelfth of the aggregate of the amounts on deposit with the bank at the close of business on the last day of each month in the year.

(4) For the purpose of subsections (2) and (3) loans and deposits do not include bonds, stocks, debentures, items in transit and deposits in favour of Her Majesty in right of Canada.

TRUST AND LOAN CORPORATIONS

405. (1) Notwithstanding subsections (3) and (4) of section 402, the amount of taxable income that shall be deemed to have been earned in a taxation year in the province by a trust and loan corporation, trust corporation or loan corporation is that proportion of its taxable income for

Income Tax Act—continued

the year that the gross revenue of its permanent establishment in the province for the year is of the total gross revenue for the year of the corporation.

(2) For the purpose of subsection (1), the “gross revenue of its permanent establishment in the province” for a taxation year means the aggregate of the gross revenue of the corporation for the year arising from

- (a) loans secured by real property situated in the province,
- (b) loans not secured by real property to persons residing in the province,
- (c) loans
 - (i) to persons residing in a province in which the corporation has no permanent establishment, and
 - (ii) administered by the permanent establishment in the province, except loans secured by real property situated in a province in which the corporation has a permanent establishment, and
- (d) business conducted at the permanent establishment, other than revenue in respect of loans.

RAILWAY CORPORATIONS

406. (1) Notwithstanding subsections (3) and (4) of section 402, the amount of taxable income that shall be deemed to have been earned in a taxation year in the province by a railway corporation is, unless subsection (2) of section 410 applies, one-half of the aggregate of

- (a) that proportion of the amount determined under subsection (2) that the equated track miles of the corporation in the province is of the equated track miles of the corporation in Canada, and
- (b) that proportion of the amount determined under subsection (2) that the gross ton miles of the corporation for the year in the province is of the gross ton miles of the corporation for the year in Canada.

(2) For the purpose of paragraphs (a) and (b) of subsection (1), the amount specified is an amount equal to the taxable income of the corporation for the year minus that part of the taxable income that may reasonably be considered to have been earned by the operation of ocean or coastal steamship lines or air lines.

(3) For the purpose of this section, “the equated track miles” in a specified place means the aggregate of

- (a) the number of miles of first main track,
 - (b) 80% of the number of miles of other main tracks, and
 - (c) 50% of the number of miles of yard tracks and sidings,
- in that place.

AIRLINE CORPORATIONS

407. (1) Notwithstanding subsections (3) and (4) of section 402, the amount of taxable income that shall be deemed to have been earned in a taxation year in the province by an airline corporation is an amount that is equal to one-quarter of the aggregate of

- (a) that proportion of its taxable income for the year that the capital cost of all the corporation’s fixed assets, except aircraft, in the province at the end of the year is of the capital cost of all its fixed assets, except aircraft, in Canada at the end of the year, and

Income Tax Act—continued

- (b) that proportion of its taxable income that 3 times the number of revenue plane miles flown by its aircraft in the province during the year is of the total number of revenue plane miles flown by its aircraft in Canada during the year.
- (2) For the purpose of this section, “revenue plane miles flown” shall be weighted according to payload capacity of the aircraft operated.
- (3) For the purpose of this section, “payload capacity” of an aircraft means
 - (a) for a type of aircraft shown in Schedule G, the number of pounds shown therein for that aircraft, and
 - (b) for a type of aircraft not shown in Schedule G, the average maximum commercial load expressed in pounds of the aircraft with fuel and oil tanks half full as determined by the Minister on the advice of the Minister of Transport.

GRAIN ELEVATOR OPERATORS

408. Notwithstanding subsections (3) and (4) of section 402, the amount of taxable income that shall be deemed to have been earned in a taxation year in the province by a corporation whose chief business is the operation of grain elevators is one-half of the aggregate of

- (a) that proportion of its taxable income for the year that the number of bushels of grain received in the year in the elevators operated by the corporation in the province is of the total number of bushels of grain received in the year in all the elevators operated by the corporation, and
- (b) that proportion of its taxable income for the year that the aggregate of salaries and wages paid in the year by the corporation to personnel of the permanent establishment in the province is of the aggregate of all salaries and wages paid in the year by the corporation.

BUS AND TRUCK OPERATORS

409. Notwithstanding subsections (3) and (4) of section 402, the amount of taxable income that shall be deemed to have been earned in a taxation year in the province by a corporation whose chief business is the transportation of goods and passengers (other than by the operation of a railway, steamship or airline service) is one-half of the aggregate of

- (a) that proportion of its taxable income for the year that the number of miles travelled by its vehicles in the province in the year is of the total number of miles travelled by its vehicles in the year, and
- (b) that proportion of its taxable income for the year that the aggregate of salaries and wages paid in the year by the corporation to personnel of the permanent establishment in the province is of the aggregate of all salaries and wages paid in the year by the corporation.

DIVIDED BUSINESSES

410. (1) Where part of the business of a corporation for a taxation year, other than a corporation described in section 403, 404, 405, 406, 407, 408 or 409, consisted of operations normally conducted by a corporation described in one of those sections, the corporation and the Minister may

Income Tax Act—continued

agree to determine the amount of taxable income deemed to have been earned in the year in the province as the aggregate of the amounts computed

- (a) by applying the provisions of such of those sections as would have been applicable if it had been a corporation described therein to the portion of its taxable income for the year that might reasonably be considered to have arisen from that part of the business, and
- (b) by applying the provisions of section 402 to the remaining portion of its taxable income for the year.

(2) Where a corporation to which section 406 would otherwise apply operates an airline service, the amount of its taxable income that shall be deemed to have been earned in a taxation year in the province is the aggregate of the amounts computed

- (a) by applying the provisions of section 407 to that part of its taxable income for the year that might reasonably be considered to have arisen from the operation of the airline service, and
- (b) by applying the provisions of section 406 to the remaining portion of its taxable income for the year.

PIPELINE OPERATORS

411. Notwithstanding subsections (3) and (4) of section 402, the amount of taxable income that shall be deemed to have been earned in a taxation year in the province by a corporation whose chief business is the operation of a pipeline for oil, gas or water is one-half of the aggregate of

- (a) that proportion of its taxable income for the year that the number of miles of pipe of the corporation in the province is of the number of miles of pipe of the corporation in Canada, and
- (b) that proportion of its taxable income for the year that the aggregate of the salaries and wages paid in the year by the corporation to personnel of the permanent establishment in the province is of the aggregate of all salaries and wages paid in the year by the corporation.

DEFINITIONS

412. (1) For the purpose of this Part,

- (a) "permanent establishment" includes branches, mines, oil wells, farms, timber lands, factories, workshops, warehouses, offices, agencies, and other fixed places of business;
- (b) where a corporation carries on business through an employee or agent who has general authority to contract for his employer or principal or has a stock of merchandise from which he regularly fills orders which he receives, the said agent or employee shall be deemed to operate a permanent establishment of the corporation;
- (c) the fact that a corporation has business dealings through a commission agent, broker or other independent agent or maintains an office solely for the purchase of merchandise shall not of itself be held to mean that the corporation has a permanent establishment;

Income Tax Act—continued

- (d) the fact that a corporation has a subsidiary controlled corporation in a place or a subsidiary controlled corporation engaged in trade or business in a place shall not of itself be held to mean that the corporation is operating a permanent establishment in that place; and
 - (e) notwithstanding paragraph (c), an insurance corporation is deemed to have a permanent establishment in each province and country in which the corporation is registered to do business.
- (2) The use of substantial machinery or equipment in a particular place at any time in a taxation year shall constitute a permanent establishment in that place for the year.

PART V**Non-Resident-Owned Investment Corporations****ELECTION**

500. Election by a corporation to be taxed under section 70 of the Act shall be made by forwarding by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa the following documents in duplicate:

- (a) a letter stating that the corporation elects to be taxed under the said section 70,
- (b) a certified copy of the resolution of the directors of the corporation authorizing the election to be made, and
- (c) a certified list showing
 - (i) the names and addresses of the registered shareholders and the number of shares of each class held by each,
 - (ii) the names and addresses of the holders of the corporation's bonds, debentures, or other funded indebtedness, if any, and
 - (iii) the names and addresses of the beneficial owners of shares, bonds, debentures, or other funded indebtedness in cases where the registered shareholder, or the holder, as the case may be, is not the beneficial owner.

REVOCATION OF ELECTION

501. Election to be taxed under section 70 of the Act shall be revoked by a corporation by forwarding by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa the following documents in duplicate:

- (a) a letter stating that the corporation revokes its election, and
- (b) a certified copy of the resolution of the directors of the corporation authorizing the revocation of the election.

CERTIFICATE OF CHANGES OF OWNERSHIP

502. A corporation which is taxable under section 70 of the Act shall attach to its return of income required under subsection (1) of section 44 of the Act, a certified statement showing any changes, during the taxation year, in the holders and beneficial owners of its shares, bonds, debentures or other funded indebtedness.

Income Tax Act—continued

PART VI

Deductions for Foreign Taxes

600. For the purpose of subsection (6) of section 41 of the Act, a tax paid to the government of a country other than Canada for a taxation year may be deemed to be a tax paid on income from sources therein for the year if

- (a) the tax is computed as a percentage of the capital employed in the other country,
- (b) the amount of capital employed, on which the tax is computed, is as declared for that purpose by the taxpayer,
- (c) the aggregate of the tax computed as a percentage of capital employed and the tax paid to the country that is otherwise deductible under subsection (1) of section 41 of the Act is less than the amount that would have been deductible under the said subsection (1) if a lesser amount of capital employed had been declared by the taxpayer, and
- (d) the tax is not deducted in computing the taxpayer's income for that year or any other taxation year.

PART VII

Taxes on Income from Mining and Logging Operations

700. (1) The amount that a taxpayer may deduct from income under paragraph (p) of subsection (1) of section 11 of the Act shall be that proportion of the total taxes on income paid by him to a province, or to a Canadian municipality in lieu of taxes on property or any interest in property (other than his residential property or any interest therein), that

- (a) his income derived from mining operations as defined herein, or
 - (b) his income derived from logging operations as defined herein
- is of the total income in respect of which the taxes were so paid.

(2) In this section,

- (a) "income derived from logging operations" by a taxpayer means
 - (i) where logs are sold by him to any person at the time of or prior to delivery to a sawmill, pulp or paper plant or other place for processing or manufacturing logs, or delivery to a carrier for export from Canada, or delivery otherwise, the net profit or gain derived by him from
 - (A) the acquisition of the timber or the right to cut the timber from which the logs were obtained, and the cutting and sale, or the cutting, transportation and sale of the logs, or
 - (B) the acquisition, transportation and sale of the logs, or
 - (ii) where he does not sell but processes, manufactures or exports from Canada logs owned by him, the net profit or gain reasonably deemed to have been derived by him from
 - (A) the acquisition of the timber or the right to cut the timber from which the logs were obtained, and the cutting and the transportation of the logs to the sawmill, pulp

Income Tax Act—continued

or paper plant or other place for processing or manufacturing, or to the carrier for export from Canada, as the case may be, or

(B) the acquisition of the logs and the transportation of them to such point of delivery

computed in accordance with sound accounting principles with reference to the value of the logs at the time of such delivery, excluding any amount added thereto by reason of processing or manufacturing the logs;

(b) "income derived from mining operations" means the net profit or gain derived or deemed to have been derived from mining operations by a person engaged therein with or without an allowance in respect of depletion and if such a person receives net profit or gain from sources other than mining operations either by reason of the carrying on by him of the processing of mineral ore extracted by him or otherwise, the net profit or gain to be deemed to have been derived by him from mining operations shall not exceed that portion of the total net profit or gain received by him from all sources, determined by deducting from the said total

(i) the returns received by him by way of dividends, interest or other like payments from stock, shares, bonds, debentures, loans or other like investments;

(ii) the net profit or gain, if any, derived by him from, and attributable in accordance with sound accounting principles to, the carrying on of any business, or derived from and so attributable to any source, other than mining operations and the processing and sale of mineral ores or products produced therefrom, and other than as a return on investments mentioned in subparagraph (i); and

(iii) an amount by way of return on capital employed by him in processing mineral ores or products derived therefrom, equal to 8% of the original cost to him of the depreciable assets including machinery, equipment, plant, buildings, works and improvements, used by him in the processing of mineral ore or products derived therefrom but not in excess of 65% of that portion of the said total net profit or gain remaining after deducting therefrom the amounts specified in subparagraphs (i) and (ii); provided that, in the case of a person who mines and smelts mineral ores from which metals other than gold, silver or platinum are recovered in amounts exceeding in value 5% of the total value of the metals recovered, the amount to be deducted under this subparagraph shall not in any case be a smaller amount than the following proportion of the total net profit or gain remaining after deducting therefrom the amounts specified in subparagraphs (i) and (ii):

- (A) where both copper and nickel are recovered, each in amounts which exceed in value 5% of the total value of metals recovered 40%
- (B) where both lead and zinc are recovered, each in amounts which exceed in value 5% of the total value of metals recovered 30%
- (C) where both copper and zinc are recovered, each in amounts which exceed in value 5% of the total value of metals recovered 20%
- (D) in other cases 15%

Income Tax Act—continued

- (c) “mine” includes any work or undertaking in which mineral ore is extracted or produced, including a quarry;
- (d) “minerals” includes gold, silver, rare and precious metals or stones, copper, iron, tin, lead, zinc, nickel, salt, saline deposits, alkali, coal, limestone, granite, slate, marble or other quarriable stone, gypsum, clay, marl, gravel, sand and volcanic ash but does not include petroleum or natural gas;
- (e) “mineral ore” includes all unprocessed minerals or mineral bearing substances;
- (f) “mining operations” means the extraction or production of mineral ore from or in any mine or its transportation to, or any part of the distance to the point of egress from the mine including any processing thereof prior to or in the course of such transportation but not including any processing thereof after removal from the mine; and
- (g) “processing” includes milling, concentrating, smelting, refining, fabricating, transporting or distributing.

(3) Nothing contained herein shall be construed as allowing a taxpayer to deduct an amount in respect of taxes imposed under a statute or bylaw which is not restricted to the taxation of persons engaged in mining or logging operations.

PART VIII

Non-Resident Tax

REGISTERED NON-RESIDENT INSURANCE COMPANIES

800. The provisions of subsections (1), (2) and (3) of section 109 of the Act shall not apply to payments made to a registered non-resident insurance company.

FILING OF RETURN AND PAYMENT OF TAX

801. (1) A registered non-resident insurance company shall file a return with the Minister in prescribed form on or before April 30 in respect of the preceding year.

(2) On or before the time for filing the return referred to in subsection (1), the company shall pay to the Receiver General of Canada the amount of tax otherwise payable under Part III of the Act minus the amount determined under section 802.

(3) The tax otherwise payable after applying the provisions of subsection (2) shall be further reduced by

- (a) 80% thereof for the year 1953,
- (b) 60% thereof for the year 1954,
- (c) 40% thereof for the year 1955, and
- (d) 20% thereof for the year 1956.

REDUCTION OF TAX PAYABLE

802. (1) The tax otherwise payable by a registered non-resident insurance company under Part III of the Act in respect of a year shall be reduced by an amount equal to the proportion thereof that

Income Tax Act—continued

- (a) the company's Canadian liabilities (as adjusted in accordance with the provisions of subsection (2)),
- is of
- (b) the company's Canadian assets (as adjusted in accordance with the provisions of subsection (3)).
- (2) For the purpose of subsection (1) Canadian liabilities shall be adjusted to be one-half the aggregate of
- (a) the Canadian liabilities as of the first of the year, and
- (b) the Canadian liabilities as of the end of the year.
- (3) For the purpose of subsection (1) Canadian assets shall be adjusted to be one-half the aggregate book value of
- (a) the Canadian assets as of the first of the year, and
- (b) the Canadian assets as of the end of the year.

DEFINITIONS

803. For the purpose of this Part,

- (a) "Canadian assets" means the aggregate of
- (i) an amount owing to the company, payable solely in Canadian funds, by a resident of Canada,
 - (ii) a share of capital stock of a corporation resident in Canada,
 - (iii) real property situated in Canada, and
 - (iv) cash in Canadian currency and amounts on deposit in Canada;
- (b) "Canadian liabilities" means the greater of
- (i) "Total liabilities in Canada" as shown by the Annual Statement submitted by the company to the Superintendent of Insurance (adjusted where appropriate to include unearned premium reserves on the 100% basis), plus
 - (A) in the case of life insurance business, 10% of the said total liabilities in Canada, and
 - (B) in the case of other classes of business, an amount equal to the aggregate of the unearned premium reserves (on the 100% basis) and other policy reserves, or
 - (ii) an amount equal to the accepted value of the property required to be on deposit with the Minister of Finance or Canadian trustees, plus the greater of
 - (A) the aggregate of the minimum initial deposits required to commence the transaction in Canada of the several classes of business for which the company is registered, or
 - (B) \$50,000; and
- (c) "Registered non-resident insurance company" means a company registered to carry on business in Canada under Part VIII of the *Canadian and British Insurance Companies Act* or under the *Foreign Insurance Companies Act*.

RULES FOR PART YEARS

804. (1) Where, during a year, a company becomes a registered non-resident insurance company
- (a) the return referred to in section 801 shall be in respect of the period from the day on which the company was registered to carry on business in Canada to December 31 of that year,

Income Tax Act—continued

- (b) for the purpose of section 802 the tax otherwise payable under Part III of the Act shall be the amount which, but for the provisions of this Part, would be payable under Part III of the Act from the day it was so registered to December 31 of that year, and
- (c) for the purpose of subsections (2) and (3) of section 802, the day on which the company was registered to carry on business in Canada, shall be deemed to be the first day of the year.
- (2) Where, during a year, a company ceases to be a registered non-resident insurance company
 - (a) the provisions of section 800 shall not apply on and after the day on which it ceased to be a registered non-resident insurance company,
 - (b) the return referred to in section 801 shall be in respect of that part of the year up to the day on which it ceased to be a registered non-resident insurance company and the return shall be filed within 60 days of that day,
 - (c) for the purpose of section 802 the tax otherwise payable under Part III of the Act shall be the amount which, but for the provisions of this Part, would be payable under Part III of the Act from January 1 of that year to the day on which it ceased to be a registered non-resident insurance company, and
 - (d) for the purpose of subsections (2) and (3) of section 802, the day on which the company ceased to be a registered non-resident insurance company shall be deemed to be the last day of the year.

OTHER NON-RESIDENT PERSONS

805. (1) Where a non-resident person, other than a registered non-resident insurance company, carries on business in Canada he shall be taxable under Part III of the Act on all amounts otherwise taxable under that Part except such amounts as are included in computing his income for the purpose of Part I of the Act.

(2) Where the Minister is satisfied that under subsection (1) an amount is not taxable under Part III of the Act, he may permit payment to be made to the non-resident person without any deduction being made under the provisions of section 109 of the Act.

PART IX

Delegation of the Powers and Duties of the Minister

900. (1) The Assistant Deputy Minister of National Revenue for Taxation may exercise all the powers and perform all the duties of the Minister under the Act.

(2) An official holding a position of "Director-Taxation" in a District Office of the Taxation Division of the Department of National Revenue may exercise the powers and perform the duties of the Minister under the following provisions of the Act:

- (a) subsection (3) of section 11,
- (b) subsection (4) of section 21,
- (c) subsection (6) of section 26,
- (d) subsection (2) of section 44,
- (e) subsection (2) of section 52,
- (f) subsection (2) of section 63,

Income Tax Act—continued

- (g) subsection (5) of section 78,
- (h) paragraph (h) of subsection (1) of section 117,
- (i) section 120,
- (j) section 125,
- (k) subsection (2) of section 126,
- (l) section 127, and
- (m) paragraph (j) of subsection (1) of section 139.

(3) The Director Legal Branch and the Assistant Director Legal Branch of the Taxation Division of the Department of National Revenue may exercise the powers and duties of the Minister under the following provisions of the Act:

- (a) subsection (2) of section 44,
- (b) section 119,
- (c) subsection (1) of section 122, and
- (d) subsection (2) of section 126.

(4) The Director and the Assistant Director of the Special Investigation Branch of the Taxation Division of the Department of National Revenue may exercise the powers of the Minister under the following provisions of the Act:

- (a) subsection (2) of section 44, and
- (b) subsection (2) of section 126.

PART X**Dependants**

1000. (1) The class of persons who may be regarded as dependent for support on taxpayers during a taxation year for the purpose of the Act is every person who qualifies as a dependant of the taxpayer under the provisions of the Act during a taxation year and whose income for the year does not exceed \$750.

(2) For the purpose of this section, income does not include income from employment as a nurse in training.

PART XI**Allowances in Respect of Capital Cost****DEDUCTIONS ALLOWED**

1100. (1) Under paragraph (a) of subsection (1) of section 11 of the Act, there is hereby allowed to a taxpayer, in computing his income from a business or property, as the case may be, deductions for each taxation year equal to

Rates

- (a) such amounts as he may claim in respect of property of each of the following classes in Schedule B not exceeding in respect of property
 - (i) of class 1, 4%,
 - (ii) of class 2, 6%,
 - (iii) of class 3, 5%,
 - (iv) of class 4, 6%,

Income Tax Act—continued

- (v) of class 5, 10%,
- (vi) of class 6, 10%,
- (vii) of class 7, 15%,
- (viii) of class 8, 20%,
- (ix) of class 9, 25%,
- (x) of class 10, 30%,
- (xi) of class 11, 35%,
- (xii) of class 12, 100% and
- (xiii) of class 16, 40%,

of the undepreciated capital cost to him as of the end of the taxation year (before making any deduction under this subsection for the taxation year) of property of the class;

Leasehold Interest

- (b) where a taxpayer has property of class 13 in Schedule B which was acquired by him for the purpose of gaining or producing income, such amount as he may claim not exceeding, in respect of each item of the capital cost thereof to him, the lesser of
 - (i) one-fifth of the capital cost thereof to him, or
 - (ii) the amount for the year obtained by apportioning the capital cost thereof to him equally over the period of the lease unexpired at the time the cost was incurred,

but the total of the amounts allowed under this paragraph shall not exceed the undepreciated capital cost to him as of the end of the taxation year (before making any deduction under this subsection for the taxation year) of property of the class;

Patent, Franchise, Concession or Licence

- (c) such amount as he may claim in respect of a property of class 14 in Schedule B not exceeding the lesser of
 - (i) the amount for the year obtained by apportioning the capital cost to him of the property equally over the life of the property remaining at the time the cost was incurred, or
 - (ii) the undepreciated capital cost to him as of the end of the taxation year (before making any deduction under this subsection for the taxation year) of property of the class;

In Lieu of Double Depreciation

- (d) such additional amount as he may claim not exceeding in the case of property described in each of the classes in Schedule B, the lesser of
 - (i) one-half the amount that would have been allowed to him in respect of property of that class under subparagraph (ii) of paragraph (n) of section 6 of the *Income War Tax Act* if that Act were applicable to the taxation year, or
 - (ii) the undepreciated capital cost to him as of the end of the taxation year (before making any deduction under this paragraph for the taxation year) of property of the class;

Timber Limits and Cutting Rights

- (e) such amount as he may claim not exceeding the amount calculated in accordance with Schedule C in respect of the capital cost to him of a timber limit or a right to cut timber from a limit;

Income Tax Act—continued*Woods Assets*

- (f) such amount as he may claim not exceeding the amount calculated in accordance with Schedule D in respect of the capital cost to him of property of class 15 in Schedule B;

Industrial Mineral Mines

- (g) such amount as he may claim not exceeding the amount calculated in accordance with Schedule E in respect of the capital cost to him of an industrial mineral mine, except
- (i) a coal mine, and
 - (ii) a mine where the Minister of Mines and Technical Surveys has certified that the mineral is contained in a non-bedded deposit;

Maritime Coal Production Assistance Act

- (h) such amount as he may claim in respect of property of a class established by the *Maritime Coal Production Assistance Act* not exceeding 30% of the undepreciated capital cost to him as of the end of the taxation year (before making any deduction either under this subsection or under section 5 of the said Act for the taxation year) of property of the class;

Additional Allowances—Fishing Vessels

- (i) such additional amount as he may claim in the case of property of the class prescribed by subsection (2) of section 1101 not exceeding the lesser of
- (i) the amount by which the depreciation that could have been taken on the property, if the Orders in Council referred to in that subsection were applicable to the taxation year, exceeds the amount allowed under paragraph (a) in respect of the property, or
 - (ii) the undepreciated capital cost to him as of the end of the taxation year (before making any deduction under this paragraph for the taxation year) of property of the class;

Additional Allowances—Classes 1, 2, 3 and 6

- (j) such additional amount as he may claim in the case of property which is included in class 1, 2 (by reason of paragraph (a) or (c) thereof), 3 or 6 in Schedule B in respect of which a certificate has been obtained as provided by section 1106, not exceeding the least of
- (i) 30% of the amount certified,
 - (ii) the difference between 70% of the amount certified, and the amounts allowed in respect of the property in previous taxation years under this paragraph, or
 - (iii) the undepreciated capital cost to him as of the end of the taxation year (before making any deduction under this paragraph for the taxation year) of property of the class; and

Additional Allowances—Class 8

- (k) such additional amount as he may claim in the case of property included in class 8 in Schedule B in respect of which a certificate has been obtained as provided by section 1106, not exceeding the least of

Income Tax Act—continued

- (i) 20% of the amount certified,
- (ii) the difference between 50% of the amount certified, and the amounts allowed in respect of the property in previous taxation years under this paragraph, or
- (iii) the undepreciated capital cost to him as of the end of the taxation year (before making any deduction under this paragraph for the taxation year) of property of the class.

Allowance on Disposal of Class

(2) Where a taxpayer has, in a taxation year, otherwise than on death, disposed of all property of a prescribed class that he had not previously disposed of and has no property of that class at the end of the taxation year, he is hereby allowed a deduction for the year equal to the amount that would otherwise be the undepreciated capital cost to the taxpayer of property of that class at the expiration of the taxation year.

Taxation Year Less Than 12 Months

(3) Where a taxation year is less than 12 months in duration, the amount allowed as a deduction under paragraphs (a), (d) and (h) of subsection (1) shall not exceed that proportion of the maximum amount allowable that the number of days in the taxation year is of 365.

Right to Renew Lease

(4) Where under the terms of a lease a tenant has the right to renew the lease for an additional term, the period of the lease unexpired at the time the costs were incurred shall, for the purpose of subparagraph (ii) of paragraph (b) of subsection (1), include the next succeeding term for which it may be renewed.

Cessation of Tramcar Operation

(5) Under paragraph (a) of subsection (1) of section 11 of the Act, there is hereby allowed to a taxpayer, in computing his income from a business for the year in which he ceases operating tramcars, a deduction not exceeding 100% of the undepreciated capital cost to him of tramway track.

Employee's Automobile

(6) Under paragraph (a) of subsection (1) of section 11 of the Act, where a deduction may be made under subsection (6) or (9) of section 11 of the Act in computing a taxpayer's income from an office or employment for a taxation year, there is hereby allowed to a taxpayer in computing his income for the year such amount as he may claim in respect of an automobile not exceeding the amount that would be allowed under subsection (1) if the automobile had been acquired for the purpose of gaining or producing income from a business.

Lease for Period Exceeding 40 Years

(7) Where under the terms of a lease the period of the lease unexpired at the time the costs were incurred is greater than 40 years, for the purpose of subparagraph (ii) of paragraph (b) of subsection (1), the period of the lease unexpired at the time the costs were incurred shall be deemed to be 40 years.

Income Tax Act—continued

SEPARATE CLASSES

Businesses or Properties

1101. (1) Where more than one property of a taxpayer is described in the same class in Schedule B and where

- (a) one of the properties was acquired for the purpose of gaining or producing income from a business, and
 - (b) one of the properties was acquired for the purpose of gaining or producing income from another business or from the property,
- a separate class is hereby prescribed for the properties that
- (i) were acquired for the purpose of gaining or producing income from each business, and
 - (ii) would otherwise be included in the class.

Fishing Vessels

(2) Where a property of a taxpayer that would otherwise be included in class 7 in Schedule B is a property in respect of which a depreciation allowance could have been taken under Order in Council

- (a) P.C. 2798 of April 10, 1942,
- (b) P.C. 7580 of August 26, 1942, as amended by P.C. 3297 of April 22, 1943, or
- (c) P.C. 3979 of June 1, 1944,

if those Orders in Council were applicable to the taxation year, a separate class is hereby prescribed for each ship, including the furniture, fittings and equipment attached thereto.

Timber Limits or Cutting Rights

(3) For the purpose of this Part and for the purpose of Schedules C and D,

- (a) a timber limit or a right to cut timber from a limit shall be deemed to be a separate class of property, and
- (b) where a taxpayer has more than one timber limit or rights to cut timber from more than one limit, each limit or right shall be deemed to be a separate class of property.

Mines

(4) For the purpose of this Part and for the purpose of Schedule E, where a taxpayer has a mine or more than one mine of the kind described in paragraph (g) of subsection (1) of section 1100, each mine shall be deemed to be a separate class of property.

Lease Option Agreements

(5) Where, by virtue of an agreement, contract or arrangement entered into on or after May 31, 1954, a taxpayer is deemed by section 18 of the Act to have acquired a property, a separate class is hereby prescribed for each such property and, if the taxpayer subsequently actually acquires the property, it shall be included in the same class.

Reference

(6) A reference in this Part to classes 1 to 14 or to class 16 shall be deemed to include a reference to the corresponding separate classes prescribed by this section.

Income Tax Act—continued

Property Not Included

1102. (1) The classes of property described in this Part and in Schedule B shall be deemed not to include property

- (a) the cost of which is deductible in computing the taxpayer's income,
- (b) that is described in the taxpayer's inventory,
- (c) that was not acquired by the taxpayer for the purpose of gaining or producing income,
- (d) that was acquired by an expenditure in respect of which the taxpayer is allowed a deduction in computing income under section 72 of the Act,
- (e) that is included in a class established by the *Maritime Coal Production Assistance Act*,
- (f) that is included in a class established by the *Canadian Vessel Construction Assistance Act*, or
- (g) in respect of which an allowance is claimed and permitted in accordance with Part XVII.

Land

(2) The classes of property described in Schedule B shall be deemed not to include the land upon which a property described therein was constructed or is situated.

Non-Residents

(3) Where the taxpayer is a non-resident person, the classes of property described in this Part and in Schedule B shall be deemed not to include property that is situated outside Canada.

Improvements or Alterations to Leased Properties

(4) For the purpose of paragraph (b) of subsection (1) of section 1100, capital cost includes an amount expended on an improvement or alteration to a leased property, other than an amount expended on

- (a) the construction of a building or other structure,
- (b) an addition to a building or other structure, or
- (c) alterations to buildings which substantially change the nature or character of the leased property.

Buildings on Leased Property

(5) Where the taxpayer has a leasehold interest in a property, a reference in Schedule B to a property that is a building or other structure shall be deemed to include a reference to that part of the leasehold interest acquired by reason of the fact that the taxpayer has

- (a) erected a building or structure on leased land,
- (b) made an addition to a leased building or structure, or
- (c) made alterations to a leased property which substantially change the nature or character of the property.

Leasehold Interest Acquired Before 1949

(6) For the purpose of subparagraphs (i) and (ii) of paragraph (b) of subsection (1) of section 1100, where an item of capital cost has been incurred before the commencement of the taxpayer's 1949 taxation year, there shall be added to the capital cost of each item the amount that has

Income Tax Act—continued

been allowed in respect thereof as depreciation under the *Income War Tax Act* and has been deducted from the original cost to arrive at the capital cost of the item.

River Improvements

(7) For the purpose of paragraph (f) of subsection (1) of section 1100, capital cost includes an amount expended on river improvements by the taxpayer for the purpose of facilitating the removal of timber from a timber limit.

Electrical Plant Used for Mining

(8) Where the generating or distributing equipment and plant (including structures) of a producer or distributor of electrical energy were acquired for the purpose of providing power to a consumer for use by the consumer in the operation in Canada of a mine, a mine and ore mill, a mine and smelter or a mine, ore mill and smelter and at least 80% of the producer's or distributor's output of electrical energy

(a) for his 1948 and 1949 taxation years, or

(b) for his first 2 taxation years in which he sold power,

whichever period is the later, was sold to the consumer for the aforesaid purpose, the properties shall be included in class 10 in Schedule B.

(9) Where a taxpayer has acquired generating or distributing equipment and plant (including structures) for the purpose of providing power for his own consumption in operating a mine, a mine and ore mill, a mine and smelter or a mine, ore mill and smelter and at least 80% of the output of electrical energy was so used

(a) in his 1948 and 1949 taxation years, or

(b) the first 2 taxation years in which he so produced power,

whichever period is the later, the property shall be included in class 10 in Schedule B.

INCLUSION OF OTHER PROPERTIES IN CLASSES 1, 2 AND 4

1103. (1) In respect of properties otherwise included in classes 2 to 12 in Schedule B, a taxpayer may elect to include in class 1 all such properties acquired for the purpose of gaining or producing income from the same business.

(2) Where the chief depreciable properties of a taxpayer are included in class 2 or 4 in Schedule B, the taxpayer may elect to include in class 2 or 4, as the case may be, a property that would otherwise be included in another class and that was acquired for the purpose of gaining or producing income from the same business as that for which those properties otherwise included in class 2 or 4 were acquired.

(3) To be effective in respect of a taxation year, an election under this section must be made not later than the last day on which the taxpayer may file a return of his income for the taxation year in accordance with section 44 of the Act.

(4) An election under this section shall continue to be effective for all subsequent years.

(5) An election under subsection (1) or (2) shall be made by registered letter addressed to the District Office at which the taxpayer customarily files the returns required by section 44 of the Act.

Income Tax Act—continued

DEFINITIONS

1104. (1) Where the taxpayer is an individual and his income for the taxation year includes income from a business the fiscal period of which does not coincide with the calendar year, in respect of the depreciable properties acquired for the purpose of gaining or producing income from the business, a reference in this Part to

- (a) “the taxation year” shall be deemed to be a reference to the fiscal period of the business, and
 - (b) “the end of the taxation year” shall be deemed to be a reference to the end of the fiscal period of the business.
- (2) For the purpose of this Part and Schedule B,
- (a) a “railway system” includes a railroad owned or operated by a common carrier, together with all buildings, rolling stock, equipment and other properties pertaining thereto, but does not include a tramway;
 - (b) a “telephone system” includes the buildings, structures, general plant and communication and other equipment pertaining thereto;
 - (c) a “telegraph system” includes the buildings, structures, general plant and communication and other equipment pertaining thereto; and
 - (d) a “tramway or trolley bus system” includes the buildings, structures, rolling stock and general plant and equipment pertaining thereto and, where omnibuses other than trolley buses are operated in connection therewith, includes the properties pertaining to those operations.

CLASSES PRESCRIBED

1105. The classes of property provided in this Part and in Schedule B are hereby prescribed for the purpose of paragraph (a) of subsection (1) of section 11 of the Act and section 20 of the Act.

CERTIFICATE FOR ADDITIONAL ALLOWANCES

1106. (1) Subject to subsection (2), for the purpose of paragraph (j) or (k), as the case may be, of subsection (1) of section 1100, “the amount certified” means the amount, not exceeding the capital cost to the taxpayer, stated in a certificate issued for this purpose by the Minister of Defence Production to the taxpayer in respect of property.

(2) Notwithstanding subsection (1), where the taxpayer has received, is entitled to receive, or may become entitled to receive a payment in respect of the capital cost of a property, the “amount certified” means the amount that it would otherwise be, minus the amount of the payment received or that the taxpayer becomes entitled to receive.

(3) Where the Minister of Defence Production certifies an amount for the purpose of subsection (1), his certificate shall state the first taxation year in which the additional allowance may be claimed and no amount may be claimed under paragraph (j) or (k) of subsection (1) of section 1100 for any year subsequent to the third taxation year following that year.

DEFERRED ALLOWANCES

1107. Where the amount otherwise allowable under paragraph (b) of subsection (1) of section 1100 of the Income Tax Regulations, as established by Order in Council P.C. 6471 of December 22, 1949, was reduced

Income Tax Act—continued

by an amount determined under subsection (3) of section 1107 of those regulations, the taxpayer may claim an allowance equal to the latter amount,

- (a) if his 1953 taxation year commenced after December 31, 1952, in the second taxation year subsequent to the year in which the amount otherwise allowable was so reduced, or
- (b) if his 1953 taxation year commenced before January 1, 1953, in the third taxation year subsequent to the year in which the amount otherwise allowable was so reduced,

unless the taxpayer has before that year disposed of all property included in class 13 in Schedule B.

PART XII**Deductions in Respect of Oil Wells, Gas Wells and Certain Mines**

1200. For the purpose of paragraph (b) of subsection (1) of section 11 of the Act there may be deducted in computing the income of a taxpayer for a taxation year amounts determined as hereinafter set forth in this Part.

DEDUCTIONS ALLOWED TO OPERATORS

1201. (1) Where the taxpayer operates

- (a) an oil or gas well,
- (b) a precious metal mine,
- (c) a base metal mine,
- (d) an industrial mineral mine in respect of which the Minister of Mines and Technical Surveys has certified that the mineral is contained in a non-bedded deposit or that the mineral is sylvite, or
- (e) more than one of such wells or mines,

the deduction allowed is $33\frac{1}{3}\%$ of the aggregate of the profits minus the aggregate of the losses of the taxpayer, for the taxation year, reasonably attributable to the production of oil, gas, prime metal and industrial mineral from such wells and mines.

(2) Where the value of the output of gold from a mine operated by a taxpayer in a taxation year is not less than 70% of the aggregate value of the output of the wells and mines, of the classes described in subsection (1), operated by the taxpayer in the year, in lieu of the deduction otherwise allowed under subsection (1), the deduction allowed is the greater of

- (a) 40% of the aggregate of the profits minus the aggregate of the losses of the taxpayer, for the taxation year, reasonably attributable to the production of oil, gas, prime metal and industrial mineral from the wells and mines, or
- (b) \$4 per ounce of the output of gold for the year.

(3) In computing the profits reasonably attributable to the production of oil, gas, prime metal and industrial mineral for the purpose of this section, a deduction shall be made equal to the aggregate of the amounts, if any, deducted in computing the taxpayer's income for the taxation year under the provisions of subsection (10) of section 141 of the Act and sections 1204 and 1205 of these Regulations.

(4) For the purpose of this section,

- (a) "industrial mineral mine" does not include a coal mine;

Income Tax Act—continued

- (b) “profits reasonably attributable to the production of prime metal or industrial mineral” do not include profits that are not included in computing the taxpayer’s income for the taxation year;
- (c) output for a taxation year from a mine does not include output for a period in respect of which the profits therefrom are not included in computing the taxpayer’s income; and
- (d) where someone other than the taxpayer has an interest in the proceeds from the sale of the products of a well or mine operated by the taxpayer, the value of the output for a taxation year from a well or mine is only that portion of the total value of the output from the well or mine that can reasonably be regarded as the proportionate share thereof that was included in computing the taxpayer’s income.

(5) For the purpose of this Part, a taxpayer who has an interest in the proceeds of production from an oil or gas well or a mine under an agreement which provides that he shall share in the profits remaining after deducting the costs of operating the well or mine, shall be deemed to be a person who operates the well or mine.

DEDUCTIONS ALLOWED TO NON-OPERATORS

1202. (1) Where a person other than the operator

- (a) has an interest in the proceeds from the sale of the products of an oil well, gas well or a mine of a class described in subsection (1) of section 1201, or
- (b) receives a rental or royalty computed by reference to the amount or value of the production from such a well or mine,

the deduction allowed is 25% of the amount in respect of the interest, rental or royalty included in computing his income for the year.

(2) Where the amount received in respect of an interest in the income from a well or mine is a dividend or is deemed to be a dividend, subsection (1) does not apply.

COAL MINES

1203. The deduction allowed for a taxation year in respect of a coal mine operated by a taxpayer is 10 cents for each ton of coal mined in the year.

ADDITIONAL ALLOWANCES TO CERTAIN OIL AND GAS WELLS

1204. (1) Where a taxpayer has income for a taxation year from an oil or gas well that is outside Canada, in computing his income for the year he may deduct the lesser of

- (a) the aggregate of drilling costs incurred by him in that year and previous taxation years in respect of the well (not including the cost of land, leases or other rights and not including indirect expenses such as general exploration, geological and geophysical expenses) minus the aggregate of all amounts deductible in respect thereof in computing his income in a previous year, or
- (b) that part of his income for the year that may reasonably be regarded as income from the well.

(2) Where an individual has income for a taxation year from an oil or gas well in Canada, in computing his income for the year he may deduct the lesser of

Income Tax Act—continued

- (a) the aggregate of drilling costs incurred by him in that year and previous taxation years in respect of the well (not including the cost of land, leases or other rights and not including indirect expenses such as general exploration, geological and geophysical expenses) minus the aggregate of all amounts deductible in respect thereof in computing his income in a previous year, or
 - (b) that part of his income for the year that may reasonably be regarded as income from the well.
- (3) If a taxpayer has more than one oil or gas well to which subsection (1) or (2) may apply, the allowance in respect of the drilling costs of each well shall be computed separately.

ADDITIONAL ALLOWANCES TO CERTAIN MINES

1205. (1) Subject to subsection (3), where a taxpayer operates in Canada a coal mine or a mine described in subsection (1) of section 1201, he may deduct, in computing his income for a taxation year, such amount as he may claim not exceeding 25% of an amount calculated as set forth in subsection (2).

(2) The amount referred to in subsection (1) is the aggregate of all expenditures made or incurred by the taxpayer which are reasonably attributable to the prospecting and exploration for and the development of the mine, prior to the mine coming into production in reasonable commercial quantities, minus the aggregate of

- (a) such expenditures in respect of which a deduction from, or in computing, a taxpayer's income tax or excess profits tax was provided by section 8 of the *Income War Tax Act*;
- (b) amounts in respect of such expenditures deducted in computing a taxpayer's income under section 16 of chapter 63 of the Statutes of 1947 or section 16 of chapter 53 of the Statutes of 1947-48 or, if the expenditure was incurred prior to 1953, under section 53 of chapter 25 of the Statutes of 1949, Second Session;
- (c) such expenditures incurred after 1952 in respect of which a deduction was or is provided by section 53 of chapter 25 of the Statutes of 1949, Second Session;
- (d) such expenditures that were deducted in computing the income of the taxpayer in the year made;
- (e) the cost of properties in respect of which an allowance is provided under paragraph (a) of subsection (1) of section 11 of the Act; and
- (f) the cost of a leasehold interest.

(3) The amount deductible under subsection (1) shall not exceed the amount determined under subsection (2) minus the aggregate of

- (a) amounts deducted under subsection (1) in computing the income of the taxpayer for previous taxation years, and
- (b) similar amounts deducted in computing the income of the taxpayer for the purpose of the *Income War Tax Act* and *The 1948 Income Tax Act*.

Income Tax Act—continued

PART XIII

Deductions Allowed in Respect of Certain Dividends

CORPORATIONS IN CANADA

1300. For the purpose of subsection (2) of section 11 of the Act, where a shareholder receives a dividend from a corporation carrying on business in Canada the income of which includes mineral profits, the deduction allowed is:

- (a) where the mineral profits of the corporation are equal to not less than 25% but less than 50% of its income, an amount equal to 10% of the dividend;
- (b) where the mineral profits of the corporation are equal to not less than 50% but less than 75% of its income, an amount equal to 15% of the dividend;
- (c) where the mineral profits of the corporation are equal to not less than 75% of its income, an amount equal to 20% of the dividend.

CORPORATIONS NOT IN CANADA

1301. For the purpose of subsection (2) of section 11 of the Act, where a shareholder receives a dividend from a corporation that is not carrying on business in Canada, if the mineral profits of the corporation are equal to not less than 50% of its income, the deduction allowed is 15% of the dividend.

EXCLUSION

1302. For the purpose of this Part, a dividend does not include an amount deemed by the Act to be a dividend.

DEFINITIONS

1303. For the purpose of this Part,

- (a) “mineral profits” means the aggregate of
 - (i) the profits of the corporation reasonably attributable to the production of oil, gas, prime metal and industrial mineral as determined for the purpose of section 1201,
 - (ii) those amounts in respect of which the corporation is allowed a deduction in computing income by virtue of section 1202,
 - (iii) those profits of the corporation which are not included under subparagraph (i) by reason of paragraph (b) of subsection (4) of section 1201, and
 - (iv) dividends received by the corporation in respect of which a deduction is allowed under paragraph (c) of section 1300,
 minus
 - (v) the aggregate of losses of the corporation reasonably attributable to the production of oil, gas, prime metal and industrial mineral as determined for the purpose of section 1201,

Income Tax Act—continued

for the taxation year ending in the calendar year immediately preceding the calendar year in which the dividend was declared by the corporation;

- (b) “income” means the income of the corporation for the taxation year ending in the calendar year immediately preceding the calendar year in which the dividend was declared before any deduction is made under the provisions of paragraph (b) of subsection (1) of section 11 of the Act or under the provisions of subsection (2) of that section, plus an amount not included in computing the income of the corporation by reason of the provisions of subsection (5) of section 83 of the Act.

PART XIV**Investment Companies****ELECTION**

1400. For the purpose of subsection (2) of section 69 of the Act, an election by an investment company to pay tax under Part I of the Act shall be made by forwarding by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa the following documents in duplicate:

- (a) a letter stating that the corporation elects to pay tax under Part I of the Act, and
- (b) a certified copy of the resolution of the directors of the corporation authorizing the election to be made.

REVOCATION OF ELECTION

1401. An election made under section 1400 to pay tax under Part I of the Act shall be revoked by a corporation by forwarding by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa the following documents in duplicate:

- (a) a letter stating that the corporation revokes its election made under subsection (2) of section 69 of the Act, and
- (b) a certified copy of the resolution of the directors of the corporation authorizing the revocation of the election.

PART XV**Employees Profit Sharing Plans**

1500. For the purpose of subsection (7) of section 79 of the Act, an election by an employer shall be made by forwarding by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa the following documents:

- (a) a letter, in duplicate, stating that he elects to have the arrangement qualify as an employees profit sharing plan,
- (b) if the employer is a corporation, a certified copy of the resolution of the directors authorizing the election to be made, and
- (c) a copy of the agreement and any supplementary agreement setting out the plan.

Income Tax Act—continued

PART XVI

Special Tax Table

1600. For the purpose of subsection (2) of section 32 of the Act, the following Tax Table is hereby prescribed:

TAX TABLE—INCLUDING OLD AGE SECURITY TAX

TAXABLE INCOME		Total Tax	TAXABLE INCOME		Total Tax	TAXABLE INCOME		Total Tax	TAXABLE INCOME		Total Tax	TAXABLE INCOME		Total Tax
OVER	NOT OVER	\$	OVER	NOT OVER	\$	OVER	NOT OVER	\$	OVER	NOT OVER	\$	OVER	NOT OVER	\$
0 - 10		1	600 - 610		103	1200 - 1210		209	1800 - 1810		323	2400 - 2410		445
10 - 20		3	610 - 620		105	1210 - 1220		211	1810 - 1820		325	2410 - 2420		447
20 - 30		4	620 - 630		106	1220 - 1230		213	1820 - 1830		327	2420 - 2430		449
30 - 40		6	630 - 640		108	1230 - 1240		215	1830 - 1840		329	2430 - 2440		451
40 - 50		8	640 - 650		110	1240 - 1250		217	1840 - 1850		331	2440 - 2450		453
50 - 60		9	650 - 660		111	1250 - 1260		218	1850 - 1860		332	2450 - 2460		456
60 - 70		11	660 - 670		113	1260 - 1270		220	1860 - 1870		334	2460 - 2470		458
70 - 80		13	670 - 680		115	1270 - 1280		222	1870 - 1880		336	2470 - 2480		460
80 - 90		14	680 - 690		116	1280 - 1290		224	1880 - 1890		338	2480 - 2490		462
90 - 100		16	690 - 700		118	1290 - 1300		226	1890 - 1900		340	2490 - 2500		464
100 - 110		18	700 - 710		120	1300 - 1310		228	1900 - 1910		342	2500 - 2510		466
110 - 120		20	710 - 720		122	1310 - 1320		230	1910 - 1920		344	2510 - 2520		468
120 - 130		21	720 - 730		123	1320 - 1330		232	1920 - 1930		346	2520 - 2530		470
130 - 140		23	730 - 740		125	1330 - 1340		234	1930 - 1940		348	2530 - 2540		472
140 - 150		25	740 - 750		127	1340 - 1350		236	1940 - 1950		350	2540 - 2550		474
150 - 160		26	750 - 760		128	1350 - 1360		237	1950 - 1960		351	2550 - 2560		477
160 - 170		28	760 - 770		130	1360 - 1370		239	1960 - 1970		353	2560 - 2570		479
170 - 180		30	770 - 780		132	1370 - 1380		241	1970 - 1980		355	2570 - 2580		481
180 - 190		31	780 - 790		133	1380 - 1390		243	1980 - 1990		357	2580 - 2590		483
190 - 200		33	790 - 800		135	1390 - 1400		245	1990 - 2000		359	2590 - 2600		485
200 - 210		35	800 - 810		137	1400 - 1410		247	2000 - 2010		361	2600 - 2610		487
210 - 220		37	810 - 820		139	1410 - 1420		249	2010 - 2020		363	2610 - 2620		489
220 - 230		38	820 - 830		140	1420 - 1430		251	2020 - 2030		365	2620 - 2630		491
230 - 240		40	830 - 840		142	1430 - 1440		253	2030 - 2040		367	2630 - 2640		493
240 - 250		42	840 - 850		144	1440 - 1450		255	2040 - 2050		369	2640 - 2650		495
250 - 260		43	850 - 860		145	1450 - 1460		256	2050 - 2060		372	2650 - 2660		498
260 - 270		45	860 - 870		147	1460 - 1470		258	2060 - 2070		374	2660 - 2670		500
270 - 280		47	870 - 880		149	1470 - 1480		260	2070 - 2080		376	2670 - 2680		502
280 - 290		48	880 - 890		150	1480 - 1490		262	2080 - 2090		378	2680 - 2690		504
290 - 300		50	890 - 900		152	1490 - 1500		264	2090 - 2100		380	2690 - 2700		506
300 - 310		52	900 - 910		154	1500 - 1510		266	2100 - 2110		382	2700 - 2710		508
310 - 320		54	910 - 920		156	1510 - 1520		268	2110 - 2120		384	2710 - 2720		510
320 - 330		55	920 - 930		157	1520 - 1530		270	2120 - 2130		386	2720 - 2730		512
330 - 340		57	930 - 940		159	1530 - 1540		272	2130 - 2140		388	2730 - 2740		514
340 - 350		59	940 - 950		161	1540 - 1550		274	2140 - 2150		390	2740 - 2750		516
350 - 360		60	950 - 960		162	1550 - 1560		275	2150 - 2160		393	2750 - 2760		519
360 - 370		62	960 - 970		164	1560 - 1570		277	2160 - 2170		395	2760 - 2770		521
370 - 380		64	970 - 980		166	1570 - 1580		279	2170 - 2180		397	2770 - 2780		523
380 - 390		65	980 - 990		167	1580 - 1590		281	2180 - 2190		399	2780 - 2790		525
390 - 400		67	990 - 1000		169	1590 - 1600		283	2190 - 2200		401	2790 - 2800		527
400 - 410		69	1000 - 1010		171	1600 - 1610		285	2200 - 2210		403	2800 - 2810		529
410 - 420		71	1010 - 1020		173	1610 - 1620		287	2210 - 2220		405	2810 - 2820		531
420 - 430		72	1020 - 1030		175	1620 - 1630		289	2220 - 2230		407	2820 - 2830		533
430 - 440		74	1030 - 1040		177	1630 - 1640		291	2230 - 2240		409	2830 - 2840		535
440 - 450		76	1040 - 1050		179	1640 - 1650		293	2240 - 2250		411	2840 - 2850		537
450 - 460		77	1050 - 1060		180	1650 - 1660		294	2250 - 2260		414	2850 - 2860		540
460 - 470		79	1060 - 1070		182	1660 - 1670		296	2260 - 2270		416	2860 - 2870		542
470 - 480		81	1070 - 1080		184	1670 - 1680		298	2270 - 2280		418	2870 - 2880		544
480 - 490		82	1080 - 1090		186	1680 - 1690		300	2280 - 2290		420	2880 - 2890		546
490 - 500		84	1090 - 1100		188	1690 - 1700		302	2290 - 2300		422	2890 - 2900		548
500 - 510		86	1100 - 1110		190	1700 - 1710		304	2300 - 2310		424	2900 - 2910		550
510 - 520		88	1110 - 1120		192	1710 - 1720		306	2310 - 2320		426	2910 - 2920		552
520 - 530		89	1120 - 1130		194	1720 - 1730		308	2320 - 2330		428	2920 - 2930		554
530 - 540		91	1130 - 1140		196	1730 - 1740		310	2330 - 2340		430	2930 - 2940		556
540 - 550		93	1140 - 1150		198	1740 - 1750		312	2340 - 2350		432	2940 - 2950		558
550 - 560		94	1150 - 1160		199	1750 - 1760		313	2350 - 2360		435	2950 - 2960		561
560 - 570		96	1160 - 1170		201	1760 - 1770		315	2360 - 2370		437	2960 - 2970		563
570 - 580		98	1170 - 1180		203	1770 - 1780		317	2370 - 2380		439	2970 - 2980		565
580 - 590		99	1180 - 1190		205	1780 - 1790		319	2380 - 2390		441	2980 - 2990		567
590 - 600		101	1190 - 1200		207	1790 - 1800		321	2390 - 2400		443	2990 - 3000		569

Income Tax Act—continued

PART XVII

Allowances in Respect of Capital Cost
Farming and Fishing

DEDUCTIONS ALLOWED

Rates

1700. (1) Under paragraph (a) of subsection (1) of section 11 of the Act, there is hereby allowed to a taxpayer, in computing his income from farming or fishing, as the case may be, a deduction for each taxation year in respect of each property that was used for the purpose of gaining or producing income from farming or fishing equal to such amount as he may claim, not exceeding in the case of

- (a) a building or other structure, not described elsewhere in this subsection, including component parts such as electric wiring, plumbing, sprinkler systems, air-conditioning equipment, heating equipment, lighting fixtures, elevators and escalators, 2½%,
- (b) a building or other structure of
 - (i) frame,
 - (ii) log,
 - (iii) stucco on frame,
 - (iv) galvanized iron, or
 - (v) corrugated iron,construction including component parts such as electric wiring, plumbing, sprinkler systems, air-conditioning equipment, heating equipment, lighting fixtures, elevators and escalators, 5 %,
- (c) a fence, 5 %,
- (d) a scow or a ship as defined in the *Canada Shipping Act*, including furniture, fitting or equipment attached thereto (except radar and radio equipment), 7½%,
- (e) non-automotive equipment and machinery, 10 %,
- (f) automotive equipment, a sleigh or a wagon, 15 %,
- (g) radar and radio equipment, 15 %, and
- (h) tile drainage, 2½%

of the depreciable cost to the taxpayer of the property.

Taxation Year Less Than 12 Months

(2) Where the taxation year is less than 12 months, the amount allowed as a deduction under subsection (1) shall not exceed that proportion of the amount allowable that the number of days in the taxation year is of 365.

Property Acquired During Year

(3) Where the taxpayer acquired a property after the commencement of the taxation year, the amount allowed as a deduction under subsection (1) in respect of the property shall not exceed that proportion of the maximum amount allowable that the number of months in the taxation year during which the property was owned is of 12.

Income Tax Act—continued

Property Disposed of During Year

(4) Where the taxpayer has disposed of a property before the end of the taxation year, the amount allowed as a deduction under subsection (1) in respect of the property shall not exceed that proportion of the maximum amount allowable that the number of months in the taxation year during which the property was owned is of 12.

Leasehold Interest

(5) Where a taxpayer has property that was used for the purpose of gaining or producing income from farming or fishing and that would be included in class 13 in Schedule B if he had claimed an allowance under Part XI, he may deduct, in computing his income from farming or fishing, an amount not exceeding the amount he could have deducted under paragraph (b) of subsection (1) of section 1100.

LIMITATION OF DEDUCTION

1701. The amount allowed as a deduction under section 1700 in respect of a property shall not exceed the amount by which the "capital cost" of the property to the taxpayer exceeds the aggregate of the deductions from income allowed under this Part in respect of the property for previous taxation years.

PROPERTY NOT INCLUDED

1702. (1) Nothing in this Part shall be construed as allowing a deduction in respect of a property

- (a) the cost of which is deductible in computing the taxpayer's income,
- (b) that is described in the taxpayer's inventory,
- (c) that was acquired by an expenditure in respect of which the taxpayer is allowed a deduction from income under section 72 of the Act,
- (d) that is included in a class established by the *Canadian Vessel Construction Assistance Act*,
- (e) that was not used in the business during the year,
- (f) that is
 - (i) an animal, or
 - (ii) a tree, shrub, herb or similar growing thing, or
- (g) that was not acquired by the taxpayer for the purpose of gaining or producing income from farming or fishing.

(2) The properties referred to in section 1700 shall be deemed not to include the land upon which a property described therein was constructed or is situated.

(3) Where the taxpayer is a non-resident person, the properties referred to in section 1700 shall be deemed not to include property that is situated outside Canada.

Taxation Year for Individual in Business

1703. (1) Where a taxpayer is an individual and his income for the taxation year includes income from a business the fiscal period of which does not coincide with the calendar year, in respect of depreciable properties acquired for the purpose of gaining or producing income from the business, a reference in this Part to

Income Tax Act—continued

- (a) “the taxation year” shall be deemed to be a reference to the fiscal period of the business, and
- (b) “the end of the taxation year” shall be deemed to be a reference to the end of the fiscal period of the business.

Depreciable Cost Defined

(2) Except as otherwise provided, “depreciable cost to the taxpayer of property” means the actual cost of property to the taxpayer or the amount at which he is deemed to have acquired the property under subsection (6) of section 20 of the Act, as the case may be.

Personal Use of Property

(3) Where the taxpayer has, in a taxation year, regularly used a property in part for the purpose of gaining or producing income from farming or fishing and in part for a purpose other than gaining or producing income, the depreciable cost of the property for the purpose of this Part is the proportion of the amount that would otherwise be the depreciable cost that the use regularly made of the property for the purpose of gaining or producing income from farming or fishing is of the whole use regularly made of the property.

Grants, Subsidies or Other Government Assistance

(4) Where a taxpayer has received or is entitled to receive a grant, subsidy or other assistance from a government, municipality or other public authority in respect of or for the acquisition of property, the depreciable cost is the amount that would otherwise be the depreciable cost thereof to the taxpayer minus the amount of the grant, subsidy or other assistance.

Transactions not at Arm's Length

(5) Where property did belong to a person (hereinafter referred to as the original owner) and has, by one or more transactions between persons not dealing at arm's length, become vested in a taxpayer, the depreciable cost of the property to the taxpayer is the lesser of

- (a) the actual capital cost of the property to the taxpayer, or
- (b) the amount by which the actual capital cost of the property to the original owner exceeds the aggregate of
 - (i) the total amount of depreciation for the property that, since the commencement of 1917, has been or should have been taken into account in accordance with the practice of the Department of National Revenue, in ascertaining the income of the original owner and all intervening owners for the purpose of the *Income War Tax Act*, or in ascertaining a loss for a year when there was no income under that Act, and
 - (ii) any accumulated depreciation reserves that the original owner or an intervening owner had for the property at the commencement of 1917 and that were recognized by the Minister for the purpose of the *Income War Tax Act*, and
 - (iii) the aggregate of the deductions, if any, allowed under this Part in respect of the property to the original owner and all intervening owners.

Income Tax Act—continued

NON-APPLICATION OF THIS PART

1704. This Part shall not apply where a taxpayer has claimed an allowance computed under Part XI in computing his income from farming or fishing for the taxation year or any previous taxation year.

PART XVIII

Inventories

VALUATION

1800. For the purpose of computing the income of a taxpayer from a business

- (a) all the property described in all the inventories of the business may be valued at the cost to him, or
- (b) all the property described in all the inventories of the business may be valued at the fair market value.

MANNER OF KEEPING INVENTORY

1801. For the purpose of section 125 of the Act, an inventory shall show quantities and nature of the properties that should be included therein in such a manner and in sufficient detail that the property may be valued in accordance with this Part or section 14 of the Act.

PART XIX

Exempt Mines

1900. For the purpose of subsection (5) of section 83 of the Act, the following conditions are hereby prescribed:

- (a) the corporation shall maintain separate accounting records in respect of the mine
 - (i) for the period beginning with the commencement of operation of the mine by the corporation and ending with the day before the day on which the mine came into production, and
 - (ii) for each taxation year of the corporation which includes a part of the 36 months beginning with the day on which the mine came into production;
- (b) if the operation of the mine was the only business carried on by the corporation on the day before the day on which the mine came into production, the corporation shall end its taxation year and close its books of account as of that day;
- (c) if paragraph (b) does not apply, the corporation shall close its accounting records in respect of the mine on the day that is 36 months after the day on which the mine came into production; and
- (d) the corporation shall file a return in triplicate in prescribed form with the Minister.

Income Tax Act—continued

PART XX

Surplus for the Purpose of Non-Resident Tax

NON-RESIDENT-OWNED INVESTMENT CORPORATION

2000. For the purpose of subsection (1) of section 106 of the Act, the surplus of a non-resident-owned investment corporation for a taxation year is the amount by which the income of the corporation for the year exceeds the aggregate of

- (a) each expense incurred or disbursement made by the corporation during the year that was not allowed as a deduction in computing income for the year under Part I of the Act other than
 - (i) an expense incurred or disbursement made in respect of the acquisition of property (including goodwill) or the repayment of loans or capital, and
 - (ii) income taxes paid or payable to Her Majesty in the right of Canada, and
- (b) the amount by which the aggregate of losses sustained by the corporation in each taxation year subsequent to its 1932 taxation year exceeds the aggregate of
 - (i) the amounts in respect of such losses that were allowed as deductions in computing taxable income for years when the corporation was taxed under subsection (4) of section 9 of the *Income War Tax Act*, and
 - (ii) the amounts in respect of such losses that were deductible in computing the surplus for prior taxation years.

FINANCIAL CORPORATION

2001. For the purpose of subsection (2) of section 108 of the Act, the surplus of a corporation as of any time is the amount by which the aggregate of the incomes of the corporation for the taxation years subsequent to its 1932 taxation year and ending with the specified taxation year exceeds the aggregate of

- (a) each loss sustained by the corporation in any of those taxation years,
- (b) each expense incurred or disbursement made by the corporation during those years that was not allowed as a deduction in computing income for the year under Part I of the Act other than
 - (i) an expense incurred or disbursement made in respect of the acquisition of property (including goodwill) or the repayment of loans or capital, and
 - (ii) income taxes paid or payable to Her Majesty in the right of Canada,
- (c) an amount equal to $100/5$ of all taxes paid to His Majesty in the right of Canada on income of the corporation under Part I of the Act in respect of any of those taxation years ending prior to April 30, 1941,
- (d) an amount equal to $100/5$ of all taxes paid to His Majesty in the right of Canada under Part III of the Act in respect of dividends paid or amounts deemed to be paid as dividends in any of those taxation years prior to April 30, 1941,

Income Tax Act—continued

- (e) an amount equal to 100/15 of all taxes paid to Her Majesty in the right of Canada on income of the corporation under Part I of the Act in respect of any of those taxation years ending after April 29, 1941, and
- (f) an amount equal to 100/15 of all taxes paid to Her Majesty in the right of Canada under Part III of the Act in respect of dividends paid or amounts deemed to be paid as dividends subsequent to April 29, 1941.

NEWFOUNDLAND CORPORATION

2002. Where a corporation was resident in Newfoundland on the expiration of March 31, 1949 and was not resident in Canada in 1949 prior to that time, taxation years prior to that time shall not be included in computing the surplus for the purpose of sections 2000 and 2001.

LOSS DEFINED

2003. For the purpose of this Part "loss" for a taxation year means a loss computed by applying the provisions of the Act respecting computation of the corporation's income *mutatis mutandis*.

PART XXI**Tax-Paid Undistributed Income**

2100. (1) Election by a corporation to pay tax under subsection (1) of section 105 of the Act shall be made by filing with the Minister the following documents in duplicate:

- (a) the form prescribed by the Minister,
- (b) a certified copy of the resolution of the directors of the corporation authorizing the election to be made, and
- (c) a schedule showing the corporation's computation of the undistributed income and the tax-paid undistributed income.

(2) Election by a corporation to pay tax under subsection (2) or (2a) of section 105 of the Act shall be made by filing with the Minister the following documents in duplicate:

- (a) the form prescribed by the Minister, and
- (b) a certified copy of the resolution of the directors of the corporation authorizing the election to be made.

2101. Election by a corporation to deduct, from the amount on which tax is otherwise payable under subsection (1) of section 105A of the Act, an amount not exceeding the amount of its tax-paid undistributed income shall be made by filing with the Minister the following documents in duplicate:

- (a) the form prescribed by the Minister, and
- (b) a certified copy of the resolution of the directors of the corporation authorizing the election to be made.

Income Tax Act—continued**PART XXII****Discharge of Security for Taxes**

2200. (1) Where under subsection (4) of section 116 of the Act the Minister has accepted, as security for payment of taxes, a mortgage, hypothec or other security or guarantee, he may, by a document in writing, discharge such mortgage, hypothec or other security or guarantee.

(2) The Deputy Minister and the Assistant Deputy Minister of National Revenue for Taxation may exercise the powers of the Minister under subsection (1).

PART XXIII**Armed Forces****DEFINITIONS**

2300. In this Part,

- (a) “a member” means a person who is a member of the naval, army or air forces of Canada and
 - (i) who is a member of
 - (A) the regular forces,
 - (B) the active service forces, or
 - (C) the reserve forces called out on Continuous Naval Duty, Army Duty or Air Force Duty, and
 - (ii) who has become entitled to pay and allowances under pay and allowance regulations;
- (b) “pay and allowance regulations” means the regulations made by authority of section 36 of the *National Defence Act*; and
- (c) “pay and allowances” means the pay and the allowances prescribed for a member in pay and allowance regulations and a reference to “pay and allowances” in this Part shall be construed as a reference to all or any part of the pay or the allowances or both according to the context.

Division A—Computation of Income and Taxable Income of a Member for the Purpose of Part I of the Act**PAY AND ALLOWANCES AND GRATUITIES NOT INCLUDED**

2301. Notwithstanding anything contained in Part I of the Act there shall not be included in computing the income of a taxpayer for a taxation year for the purpose of that Part

- (a) an amount paid or credited to him as a member in the year by reason of his entitlement thereto under pay and allowance regulations,
- (b) an amount paid or credited to him as a member in the year by reason of his entitlement thereto as an officer holding a special appointment for whom an annual compensation has been prescribed by Order of the Governor in Council,
- (c) an amount paid or credited to him in the year as a gratuity pursuant to authority contained in pay and allowance regulations or in the *Defence Services Pension Act*.

Income Tax Act—continued

DEDUCTIONS NOT ALLOWED

2302. Notwithstanding subsection (1) of section 11 of the Act a taxpayer who at any time in a taxation year was a member shall not be entitled to deduct in computing his income for the year for the purpose of Part I of the Act an amount that under section 2309 or section 2315 he was entitled or required to deduct in computing his service income for any month in the year.

PERSONAL EXEMPTIONS

2303. (1) In computing the taxable income for a taxation year for the purpose of Part I of the Act of an individual who at any time in the year was a member the aggregate of the amounts that under section 26 of the Act the taxpayer would otherwise be entitled under Part I of the Act to deduct from his income for the year shall be reduced by an amount equal to that portion of the aggregate of the amounts that the number of days in the year that he was a member is of the number of days in the year that he was resident in Canada.

(2) For the purpose of subsection (1) a member who is granted leave of absence without pay for a period exceeding 90 days shall be deemed not to be a member for that period between the last day of the month in which the leave of absence commences and the first day of the month in which the leave terminates.

CHARITABLE DONATIONS AND MEDICAL EXPENSES

2304. In computing the taxable income for a taxation year for the purpose of Part I of the Act of an individual who at any time in the year was a member

- (a) the amount that under paragraph (a) of subsection (1) of section 27 of the Act may be deducted from his income for the year for the purpose of that Part shall be limited to the aggregate of gifts made by him in that part of the year that he was not a member to charitable organizations, corporations or trusts as in the said paragraph (a) described not exceeding 10% of that income, and
- (b) the amount that under paragraph (c) of subsection (1) of section 27 of the Act may be deducted from his income for the year for the purpose of that Part shall be limited to an amount equal to that portion of the medical expenses as in the said paragraph (c) described (excluding medical expenses paid at a time when he was a member) in excess of 3% of that income but not exceeding that portion of the aggregate of the amounts referred to in subparagraphs (viii) and (ix) of the said paragraph (c) that the number of days in the year that he was not a member is of the number of days in the year.

INCOME NOT EXCEEDING \$50 NOT TAXED

2305. (1) If the income for a taxation year for the purpose of Part I of the Act of an individual who at any time in the year was a member does not exceed \$50 no tax shall be payable by the individual under that Part.

(2) Where under section 47 of the Act an amount has been deducted or withheld in respect of remuneration that by reason of subsection (1) is not subject to tax the amount deducted or withheld under section 47 of the Act shall not be refunded to the taxpayer.

Income Tax Act—continued**INCOME FROM EMPLOYMENT BEFORE BECOMING A MEMBER**

2306. Where, in a taxation year when an individual became a member
- (a) he had, before he became a member, an office or employment other than as a member, and
 - (b) amounts required to be deducted under subsection (1) of section 47 of the Act from his income from the office or employment for the year were deducted, and
 - (c) he had no income for the year for the purpose of Part I of the Act except
 - (i) his income from the office or employment, and
 - (ii) income from other sources not exceeding \$50,

he is not required to file a return of income for the year under section 44 of the Act and the amounts deducted under subsection (1) of section 47 of the Act shall, unless he has elected to file a return for the year under section 44, be deemed to have been paid in lieu of all tax on his income for the year for the purpose of Part I of the Act.

Division B—Taxation of a Member on Pay and Allowances**DEFINITIONS**

2307. In this Division,

- (a) “month” means a period in respect of which a full monthly rate of pay and allowances is payable to a member under pay and allowance regulations or would have been payable under pay and allowance regulations but for the fact that the member was absent on leave without pay in the period;
- (b) “taxation month” means a month during the whole of which an individual is a member;
- (c) “year” means the taxation year of which a month is a part;
- (d) “pay officer” means
 - (i) where a member is a member of the naval force of Canada, the Director of Naval Pay Accounting, Royal Canadian Navy,
 - (ii) where a member is a member of the army force of Canada, the Director of Pay Services, Canadian Army,
 - (iii) where a member is a member of the air force of Canada, the Director of Accounts and Finance, Royal Canadian Air Force;
- (e) the terms “subsistence allowance”, “separated family’s allowance”, “outfit, clothing and kit allowance”, “foreign allowance”, “grog allowance”, “supplementary or rent allowance”, “transportation and travelling expenses”, “civilian clothing allowance”, “rehabilitation grant” and “deferred pay” shall have the meaning ascribed to them in pay and allowance regulations.

TAX ON TAXABLE SERVICE INCOME

2308. (1) An income tax shall be paid by a member in each taxation month upon his taxable service income for the month.

(2) The taxable service income of a member for a taxation month is his service income for the month as defined in section 2309 minus the deductions permitted by section 2310.

Income Tax Act—continued

(3) The tax payable by a member under subsection (1) upon his taxable service income for a taxation month is

- (a) the amount in Schedule F opposite the amount of his taxable service income for the month in dollars (excluding any fractional part of a dollar) where the latter amount does not exceed \$715,
- (b) \$156.63 plus 30% of the amount in dollars (excluding any fractional part of a dollar) by which his taxable service income for the month exceeds \$716 but does not exceed \$838,
- (c) \$193.57 plus 35% of the amount in dollars (excluding any fractional part of a dollar) by which his taxable service income for the month exceeds \$839 but does not exceed \$1,005,
- (d) \$254.07 plus 40% of the amount in dollars (excluding any fractional part of a dollar) by which his taxable service income for the month exceeds \$1,006 but does not exceed \$1,255,
- (e) \$352.12 plus 45% of the amount in dollars (excluding any fractional part of a dollar) by which his taxable service income for the month exceeds \$1,255.

(4) The tax payable under this section shall be payable by the member on the first day of the month and shall be paid by being deducted from the member's pay and allowances for the month.

COMPUTATION OF SERVICE INCOME

2309. (1) The service income of a member (other than a member described in subsection (4)) for a month is the amount that under subsection (2) is deemed to have been credited to the member's account on the first day of the month minus the applicable amounts deducted under subsection (3).

(2) For the purpose of computing the service income of a member for a month under subsection (1) an amount shall be deemed to have been credited to the account of the member on the first day of the month equal to

- (a) the aggregate amount of the pay and allowances to which he would be entitled under pay and allowance regulations in the month assuming that throughout the month he will be entitled to pay and allowances and that throughout the month
 - (i) service living quarters will not be available to him at his normal place of duty and service rations will not be provided for him, and
 - (ii) all other factors or circumstances affecting his entitlement to pay and allowances will remain and the monthly rates at which he is entitled to pay and allowances will continue as they were
 - (A) on the last day of the immediately preceding month if he was then a member,
 - (B) on the first day of the month if on the last day of the immediately preceding month he was not a member,

minus

- (b) the sum of
 - (i) the aggregate amount of the pay and allowances included in paragraph (a) to which he would be entitled in the month as
 - (A) separated family's allowance,
 - (B) outfit, clothing and kit allowance,
 - (C) foreign allowance,

Income Tax Act—continued

- (D) supplementary or rent allowance,
- (E) transportation and travelling expenses,
- (F) grog allowance,
- (G) rehabilitation grant, and
- (H) civilian clothing allowance;

and

- (ii) that portion of the amount of subsistence allowance included in paragraph (a)
 - (A) that is prescribed in Schedule J where on the last day of the immediately preceding month the member was serving on a seagoing ship, or
 - (B) that one is of three where on the last day of the immediately preceding month the member was not serving on a seagoing ship.

(3) In computing the service income of a member (other than a member described in subsection (4)) for a month there may be deducted from the amount that under subsection (2) is deemed to have been credited to the member's account on the first day of the month such of the following amounts as are applicable:

- (a) an amount that under the *Defence Services Pension Act* is required to be reserved out of the member's pay and allowances in the month as a contribution in respect of services rendered in the month provided that the aggregate of amounts deducted in preceding months of the year under this paragraph and paragraph (c) and the amount to be deducted in the month does not exceed \$1,500;
- (b) an amount that the member has elected to have reserved out of his pay and allowances in the month as a contribution under the *Defence Services Pension Act* in respect of services rendered before he became a contributor provided that the aggregate of amounts deducted under this paragraph in preceding months of the year and the amount to be deducted in the month does not exceed \$1,500;
- (c) an amount that under pay and allowance regulations is required to be withheld from the member's pay and allowances in the month as deferred pay;
- (d) an amount that the member is required to pay in the month to comply with a decree, order or judgment of a competent tribunal in an action or proceeding for divorce or judicial separation or to comply with the terms of a written separation agreement as alimony or other allowance payable on a periodic basis for the maintenance of the recipient thereof, children of the marriage, or both the recipient and the children of the marriage, if the member is living apart from the spouse or former spouse to whom he is required to make the payment provided that
 - (i) no amount may be deducted unless and until an officer of the Taxation Division of the Department of National Revenue authorized by the Minister has been satisfied that the decree, order, judgment or separation agreement is *bona fide* and that the member is liable thereunder to make the payment, and
 - (ii) where the payment which the member is required to make is an annual, semi-annual, quarterly or other periodic payment which is not a monthly payment, the amount which may

Income Tax Act—continued

be deducted shall not exceed that portion of the payment which one bears to the number of months in the period in respect of which the payment is to be made.

(4) The service income for a month of a member who is an officer holding a special appointment for whom an annual compensation has been prescribed by Order of the Governor in Council is an amount equal to that portion of the annual compensation so prescribed for him that one is of twelve minus such amounts described in paragraphs (a), (b) and (d) of subsection (3) as are applicable.

COMPUTATION OF TAXABLE SERVICE INCOME

2310. (1) In each taxation month of the year there may be deducted from the service income of a member for a month in computing his taxable service income for the month such of the following amounts as are applicable:

- (a) \$166.66, if during the year the member was
 - (i) a married person who supported his spouse,
 - (ii) a person who had a child wholly dependent upon him for support and the child was
 - (A) under 21 years of age during the year,
 - (B) 21 years of age or over and dependent by reason of physical or mental infirmity, or
 - (C) 21 years of age or over and in full-time attendance at a school or university,
 - (iii) an unmarried person or a married person not supporting his spouse who maintained a self-contained domestic establishment and actually supported therein a person wholly dependent upon him and connected with him by blood relationship, marriage or adoption, or
 - (iv) an unmarried minister or clergyman in charge of a diocese, parish or congregation who maintained a self-contained domestic establishment and employed therein a full-time servant;
- (b) \$83.33, if the member is not entitled to a deduction under paragraph (a);
- (c) for each child or grandchild of the member who, during the year, was wholly dependent upon him for support and was
 - (i) under 21 years of age during the year,
 - (ii) 21 years of age or over and dependent by reason of physical or mental infirmity, or
 - (iii) 21 years of age or over and in full-time attendance at a school or university,

\$12.50 if the child or grandchild was a child qualified for family allowance and \$33.33 if the child or grandchild was not so qualified.

(2) There may be deducted from the service income of a member for a month in computing his taxable service income for the month that portion of an amount which the member estimates that he will necessarily expend in a year exclusively for the support of a person who, during the month and the immediately preceding month, was dependent on the member for support and was

Income Tax Act—continued

- (a) his parent or grandparent and dependent by reason of physical or mental infirmity, or
- (b) his brother or sister
 - (i) under 21 years of age during the year, or
 - (ii) 21 years of age or over and dependent by reason of physical or mental infirmity

that one is of twelve but not exceeding \$12.50 if the person is a child in respect of whom family allowance is payable in the month under the *Family Allowances Act* and not exceeding \$33.33 in any other case.

- (3) For the purpose of subsection (1)

- (a) the expression “during the year”, when that expression is applied to the year in which a member ceased to be a member, shall mean during that part of the year that was prior to and included the day on which he ceased to be a member,
- (b) where a man and his wife lived together during a year he shall be deemed to have supported her during the year,
- (c) a person shall not be considered as dependent upon the member for support during a year if the income of the person for the year (other than income from employment as a nurse in training) exceeds \$750.

(4) For the purpose of the deduction for a child under paragraph (c) of subsection (1), it shall be assumed, unless the contrary is established, that an illegitimate child was wholly dependent on his mother and that any other child was wholly dependent on his father.

(5) Notwithstanding paragraph (c) of subsection (1), if it is established on the first day of a month that a child or grandchild of a member in respect of which child or grandchild a deduction is permitted under that paragraph is temporarily absent from Canada so that under regulations made pursuant to authority contained in the *Family Allowances Act*, family allowance is not payable in respect of that child or grandchild for the month, the amount that under paragraph (c) of subsection (1) may be deducted in computing the taxable service income of the member for the month in respect of that child or grandchild is \$33.33.

(6) Notwithstanding paragraph (c) of subsection (1), if a child or grandchild of a member in respect of which child or grandchild a deduction is permitted under that paragraph was born outside Canada, the amount that under that paragraph may be deducted in computing the taxable service income of the member for each month prior to the first month in which a family allowance was or might have been payable under the *Family Allowances Act* in respect of that child or grandchild is \$33.33.

(7) Where in computing the service income of a member for a month there may be deducted an amount under paragraph (d) of subsection (3) of section 2309 in respect of a payment for the maintenance of a spouse or child, the spouse or child shall, for the purpose of this section, be deemed not to be the spouse or child of the member in the month and notwithstanding subsection (1) the member shall not be entitled in computing his taxable service income for the month to deduct an amount that he would otherwise be entitled to deduct by reason that during the year he was a person described in paragraph (a) of that subsection or by reason that the child was one described in paragraph (c) of that subsection.

Income Tax Act—continued

(8) For the purpose of subsection (2) a parent, grandparent, brother or sister of a member shall not be considered as dependent upon the member for support in a month if the income of the parent, grandparent, brother or sister for the year (other than income from employment as a nurse in training) exceeds \$750.

(9) Where in a taxation year a member has claimed entitlement to deduct an amount under section (2) by reason of his support of a dependant, and where some other person, whether a member or not a member, claims entitlement to deduct an amount under the said subsection or under paragraph (d) of subsection (1) of section 26 of the Act in respect of his support of the same dependant, no more than \$150 or \$400, as the case may be, is deductible in respect of the dependant in the year, and where the taxpayers cannot agree as to what portion of the amount expended in the year for support of the dependant each can deduct, the Minister may fix the portions.

(10) A member who is entitled to a deduction under paragraph (a) of subsection (1) by reason of having a dependant as described therein may not make a deduction under paragraph (c) of that subsection or under subsection (2) in respect of the same dependant unless the dependant is the child of the member and he employs a full-time servant in a self-contained domestic establishment where he supports the child.

(11) A member who claims entitlement to have an amount deducted under this section, other than an amount under paragraph (b) of subsection (1) shall file with his pay officer a return containing the information required by the form set out in Schedule H and notwithstanding anything contained in this section there shall not be deducted from the amount of service income of a member for a month in computing the amount of his taxable service income for the month any amount under this section other than an amount under paragraph (b) of subsection (1) unless and until the information required in the said form has been so filed.

(12) Within 30 days from the occasion a member shall file a return in writing notifying therein to his pay officer the occasion and date of

- (a) his ceasing to be a person described in paragraph (a) of subsection (1),
- (b) the death of a child or grandchild described in paragraph (c) of subsection (1),
- (c) a child or grandchild described in paragraph (c) of subsection (1) ceasing to be wholly dependent on him for support,
- (d) a child or grandchild described in paragraph (c) of subsection (1) reaching the age of 21 years and not physically or mentally infirm or not in full attendance at a school or university,
- (e) a child or grandchild described in paragraph (c) of subsection (1) that was not a child qualified for family allowance becoming a child so qualified,
- (f) the return to Canada of a child or grandchild described in paragraph (c) of subsection (1) that was temporarily outside Canada and in respect of which family allowance payable under the *Family Allowances Act* was temporarily suspended,
- (g) a person described in subsection (2) in respect of which a deduction was claimed by the member under that subsection ceasing to be a person described in that subsection,

Income Tax Act—continued

- (h) a person described in subsection (2) in respect of which a deduction was claimed by the member under that subsection and which was not a child in respect of which family allowance was payable becoming a child in respect of which family allowance is payable.

ADJUSTMENT OF TAX FOR PREVIOUS MONTHS

2311. (1) When in or subsequent to a year it is established by a member or a former member or by the legal representative of a former member or by the pay officer of a member or former member

- (a) that an amount that under section 2310 might have been deducted from the service income of the member or former member for a month in computing his taxable service income for the month was not so deducted, or
- (b) that an amount was deducted under section 2310 from the service income of the member or former member for a month in computing his taxable service income for the month that under that section was not so deductible, or
- (c) that the service income of a member or former member for a month might have been reduced by an amount described in paragraph (d) of subsection (3) of section 2309 and it was not so reduced,

the taxable service income of the member or former member for the month shall be recomputed and the amount of the tax payable under section 2308 on the recomputed taxable service income of the member or former member for the month shall be determined.

(2) Where the amount of tax payable by a member or former member for a taxation month on his taxable service income for the month as recomputed in accordance with subsection (1) exceeds the amount of tax previously paid by him under section 2308 for that month the amount of the excess tax shall be payable forthwith by the member or former member or his legal representative and shall be paid by being deducted from his pay and allowances for the month in which his liability to pay the excess tax is determined or from any other funds to which the member or former member or his legal representative is entitled under pay and allowance regulations.

(3) Where the amount of tax paid by a member or former member under section 2308 for a month exceeds the amount of tax that was payable by him under section 2308 on his taxable service income for the month as recomputed under subsection (1) the amount of the excess tax paid by the member or former member for the month shall be refunded to him or to his legal representative as the case may be.

(4) No refund of tax paid by a member or former member in a month shall be made under subsection (3) unless the right of the member or former member to such refund has been established on or before December 31 in the year next following the year of which the month is a part.

TAX ON ADDITIONAL CREDITS

2312. (1) In addition to the tax payable by a member under section 2308 a tax shall be paid by the member on the following amounts:

- (a) an amount of \$30, or more, to which he becomes entitled under pay and allowance regulations during a month that
- (i) was payable to him in the month,

Income Tax Act—continued

- (ii) was not included in computing his service income for the month or any preceding month,
- (iii) was wholly or in part payable to him in respect of or on account of his services, subsistence or other factor or circumstance affecting his entitlement to pay and allowances for a preceding month, and
- (iv) was not an amount of pay and allowances within any of the categories referred to in subparagraph (i) of paragraph (b) of subsection (2) of section 2309;
- (b) an amount of \$30 or more payable to him during a month
 - (i) that was reserved out of his pay and allowances in a preceding month or in the month and a preceding month as a contribution under the *Defence Services Pension Act*, or
 - (ii) that was withheld from his pay and allowances as deferred pay in a preceding month after June, 1952, or in the month and a preceding month after June, 1952.
- (2) The amount of the tax payable under subsection (1) is
 - (a) nil where the taxable service income of the member for a month does not exceed \$5,
 - (b) 17% of the amount taxable where the taxable service income of the member for a month exceeds \$5 but does not exceed \$88,
 - (c) 19% of the amount taxable where the taxable service income of the member for a month exceeds \$88 but does not exceed \$171,
 - (d) 21% of the amount taxable where the taxable service income of the member for a month exceeds \$171 but does not exceed \$255,
 - (e) 19% of the amount taxable where the taxable service income of the member for a month exceeds \$255 but does not exceed \$338,
 - (f) 22% of the amount taxable where the taxable service income of the member for a month exceeds \$338 but does not exceed \$505,
 - (g) 26% of the amount taxable where the taxable service income of the member for a month exceeds \$505 but does not exceed \$671,
 - (h) 30% of the amount taxable where the taxable service income of the member for a month exceeds \$671 but does not exceed \$838,
 - (i) 35% of the amount taxable where the taxable service income of the member for a month exceeds \$838 but does not exceed \$1,005,
 - (j) 40% of the amount taxable where the taxable service income of the member for a month exceeds \$1,005 but does not exceed \$1,255,
 - (k) 45% of the amount taxable where the taxable service income of the member for a month exceeds \$1,255,

and for the purpose of this subsection the expression “the taxable service income of the member for a month” shall have the meaning ascribed to it in subsection (3) or (4) as the case may be.

- (3) Where
 - (a) the tax payable under subsection (1) is on an amount described in paragraph (a) of that subsection,
 - (b) the amount is payable to the member in the month by reason that it becomes known in the month that
 - (i) the monthly rate at which the member is entitled to pay and allowances is retroactively increased, or

Income Tax Act—continued

(ii) a factor or circumstance affecting the member's entitlement to pay and allowances has changed, and

(c) the member's entitlement to pay and allowances at the increased rate or the changed factor or circumstance affecting his entitlement may reasonably be expected to continue beyond the month, the expression "taxable service income of the member for a month" where it appears in subsection (2) shall mean the taxable service income upon which tax would have been payable by the member in the month under section 2308 assuming that he was a member on the last day of the immediately preceding month and on that day was entitled to pay and allowances at the increased monthly rate or under the changed factor or circumstance.

(4) Where the tax payable under subsection (1) is on an amount described in that subsection that does not fall within the category described in subsection (3) the expression "taxable service income of the member for a month" where it appears in subsection (2) shall mean the taxable service income of the member upon which tax was payable in the month under section 2308.

(5) The tax payable by a member under this section shall be paid by being deducted from his pay and allowances.

REFUND OF TAX ON DEBITS

2313. (1) Where in a month a member becomes liable

- (a) to repay an amount of \$30 or more that was paid to him as pay and allowances and that
 - (i) was repayable by him in the month,
 - (ii) was included in computing his service income for the month or a preceding month, and
- (iii) was wholly or in part paid to him in respect of or on account of his services, subsistence or other factor or circumstance affecting his entitlement to pay and allowances in a preceding month; or
- (b) to pay an amount of \$30 or more as a contribution under the *Defence Services Pension Act* or as deferred pay under pay and allowance regulations that
 - (i) was payable by him in the month,
 - (ii) was not deducted under subsection (3) of section 2309 in computing his service income for the month or a preceding month,
 - (iii) was not reserved or withheld from his pay and allowances in a preceding month or in the month and a preceding month,

and the taxable service income of the member for the month exceeds \$5 the member shall be entitled to an adjustment of tax as described in subsection (2) or (3) according to the circumstances.

(2) Where in a month that a member becomes entitled to a tax adjustment under subsection (1),

- (a) an amount equal to the sum of
 - (i) the amount of tax paid by him under this Part in preceding taxation months of the year, and
 - (ii) the amount of tax payable by him under this Part in the month,
- is equal to or exceeds

Income Tax Act—continued

(b) an amount equal to

- (i) 17% of the applicable amount described in paragraph (a) or (b) of subsection (1) where the taxable service income of the member for the month exceeds \$5 but does not exceed \$88,
- (ii) 19% of the applicable amount described in paragraph (a) or (b) of subsection (1) where the taxable service income of the member for the month exceeds \$88 but does not exceed \$171,
- (iii) 21% of the applicable amount described in paragraph (a) or (b) of subsection (1) where the taxable service income of the member for the month exceeds \$171 but does not exceed \$255,
- (iv) 19% of the applicable amount described in paragraph (a) or (b) of subsection (1) where the taxable service income of the member for the month exceeds \$255 but does not exceed \$338,
- (v) 22% of the applicable amount described in paragraph (a) or (b) of subsection (1) where the taxable service income of the member for the month exceeds \$338 but does not exceed \$505,
- (vi) 26% of the applicable amount described in paragraph (a) or (b) of subsection (1) where the taxable service income of the member for the month exceeds \$505 but does not exceed \$671,
- (vii) 30% of the applicable amount described in paragraph (a) or (b) of subsection (1) where the taxable service income of the member for the month exceeds \$671 but does not exceed \$838,
- (viii) 35% of the applicable amount described in paragraph (a) or (b) of subsection (1) where the taxable service income of the member for the month exceeds \$838 but does not exceed \$1,005,
- (ix) 40% of the applicable amount described in paragraph (a) or (b) of subsection (1) where the taxable service income of the member for the month exceeds \$1,005 but does not exceed \$1,255,
- (x) 45% of the applicable amount described in paragraph (a) or (b) of subsection (1) where the taxable service income of the member for the month exceeds \$1,255,

there shall be refunded to the member an amount of tax equal to the amount determined under paragraph (b).

(3) Where in a month that a member becomes entitled to a tax adjustment under subsection (1) and the amount determined under paragraph (a) of subsection (2) is less than the amount determined under paragraph (b) of that subsection there may be deducted in computing the service income of the member for each taxation month in the year an amount equal to that portion of the applicable amount described in paragraph (a) or (b) of subsection (1) that one is of the number of months during the whole of which he was a member in the year (assuming that he will continue to be a member throughout the year) and there shall be refunded to the member an amount equal to

- (a) the amount of tax that was otherwise payable by him in the year under section 2308, minus
- (b) the amount of tax payable by him in the year under section 2308 after making the deduction permitted by this subsection.

Income Tax Act—continued**TAX CREDIT FOR CHARITABLE DONATIONS AND MEDICAL EXPENSES**

2314. (1) Where in a taxation year

(a) an amount equal to the sum of

- (i) an amount, not exceeding 10% of the aggregate service income of a member or former member for those months during the whole of which he was a member in the year, given by the member or former member in those months to donees described in paragraph (a) of subsection (1) of section 27 of the Act, and
- (ii) an amount, in excess of 3% of the aggregate service income of a member or former member for those months during the whole of which he was a member in the year, of payments that
 - (A) were made by the member or former member when he was a member within a period of 12 months ending in the year,
 - (B) fall within any of the categories described in subparagraphs (iii), (iv), (v), (vi) and (vii) of paragraph (c) of subsection (1) of section 27 of the Act, and
 - (C) are verified by dated receipts from the payees

exceeds

(b) an amount equal to the product of

- (i) the number of months during the whole of which the member or former member was a member in the year, and
- (ii) \$5

the member or former member shall be entitled to a refund of a portion of the tax paid by him in the year under this Part the amount of which shall be computed in the manner prescribed by subsections (2) and (3).

(2) For the purpose of computing the amount of tax to be refunded to a member or former member under subsection (1) there shall be determined

(a) an amount that is equal to

- (i) the aggregate service income of the member or former member for those months during the whole of which he was a member in the year, minus

(ii) the product of

- (A) the aggregate of the amounts that the member or former member was entitled to deduct from his service income for the last taxation month in the year that he was a member in computing his taxable service income for that month, and
- (B) the number of months during the whole of which the member or former member was a member in the year,

(b) an amount that is equal to that portion of the amount determined in paragraph (a) that one is of the number of months during the whole of which the member or former member was a member in the year, and

(c) an amount that is equal to

- (i) the amount described in paragraph (a) of subsection (1), minus
- (ii) the amount described in paragraph (b) of subsection (1).

Income Tax Act—continued

(3) The amount of tax to be refunded to a member or former member under subsection (1) is

- (a) nil where the amount determined under paragraph (b) of subsection (2) is \$5 or less than \$5,
- (b) 17% of the amount determined in paragraph (c) of subsection (2) where the amount determined in paragraph (b) of subsection (2) exceeds \$5 but does not exceed \$88,
- (c) 19% of the amount determined in paragraph (c) of subsection (2) where the amount determined in paragraph (b) of subsection (2) exceeds \$88 but does not exceed \$171,
- (d) 21% of the amount determined in paragraph (c) of subsection (2) where the amount determined in paragraph (b) of subsection (2) exceeds \$171 but does not exceed \$255,
- (e) 19% of the amount determined in paragraph (c) of subsection (2) where the amount determined in paragraph (b) of subsection (2) exceeds \$255 but does not exceed \$338,
- (f) 22% of the amount determined in paragraph (c) of subsection (2) where the amount determined in paragraph (b) of subsection (2) exceeds \$338 but does not exceed \$505,
- (g) 26% of the amount determined in paragraph (c) of subsection (2) where the amount determined in paragraph (b) of subsection (2) exceeds \$505 but does not exceed \$671,
- (h) 30% of the amount determined in paragraph (c) of subsection (2) where the amount determined in paragraph (b) of subsection (2) exceeds \$671 but does not exceed \$838,
- (i) 35% of the amount determined in paragraph (c) of subsection (2) where the amount determined in paragraph (b) of subsection (2) exceeds \$838 but does not exceed \$1,005,
- (j) 40% of the amount determined in paragraph (c) of subsection (2) where the amount determined in paragraph (b) of subsection (2) exceeds \$1,005 but does not exceed \$1,255,
- (k) 45% of the amount determined in paragraph (c) of subsection (2) where the amount determined in paragraph (b) of subsection (2) exceeds \$1,255.

(4) A member or former member who claims entitlement to a refund under this section shall file with his pay officer a return containing the information required in the form set out in Schedule I to which shall be attached receipts supporting his entitlement to the refund.

(5) No payment by way of refund of tax under this section shall be made unless and until the claim of the member or former member to the refund has been reviewed and approved for payment by an officer of the Taxation Division of the Department of National Revenue authorized by the Minister to approve refunds under this section.

(6) For the purpose of this section a "former member" shall include the executor, administrator or legal representative of a former member.

(7) No refund of tax paid by a member in a month shall be made under this section unless the right of the member to such refund has been established on or before December 31 in the year next following the year of which the month is a part.

Income Tax Act—continued

(8) Where a member was, during those months during the whole of which he was a member in the year, a member of a religious order and had, as such, taken a vow of perpetual poverty, the amount described in subparagraph (i) of paragraph (a) of subsection (1) shall not be limited to 10% of his aggregate service income for those months but shall not exceed the portion of that aggregate service income that has been paid to the order.

LUMP SUM PENSION CONTRIBUTION

2315. (1) Where in a year a member contributes under the *Defence Services Pension Act* an amount

- (a) that is contributed in respect of services rendered before he became a contributor that under that Act he is entitled to claim as pensionable service,
- (b) that is not an amount that he has elected to have reserved out of his pay and allowances, and
- (c) that is not an amount of his pay and allowances that was withheld under pay and allowance regulations on or after July 1, 1952, as deferred pay, that he has elected or is required to so contribute,

the member shall be entitled, subject to the provisions of subsection (4), to those benefits described in subsection (2) or subsection (3) as may be applicable in the circumstances.

(2) Where in the year in which a member contributed an amount described in subsection (1)

- (a) an amount equal to the aggregate of the amounts of tax paid by the member under section 2308 in the months of the year before the month in which the amount described in subsection (1) is contributed,

is equal to or exceeds

- (b) an amount equal to

- (i) nil where the taxable service income of the member for the month in which the amount described in subsection (1) is contributed does not exceed \$5,
- (ii) 17% of the amount described in subsection (1) where the taxable service income of the member for the month in which the amount described in subsection (1) is contributed exceeds \$5 but does not exceed \$88,
- (iii) 19% of the amount described in subsection (1) where the taxable service income of the member for the month in which the amount described in subsection (1) is contributed exceeds \$88 but does not exceed \$171,
- (iv) 21% of the amount described in subsection (1) where the taxable service income of the member for the month in which the amount described in subsection (1) is contributed exceeds \$171 but does not exceed \$255,
- (v) 19% of the amount described in subsection (1) where the taxable service income of the member for the month in which the amount described in subsection (1) is contributed exceeds \$255 but does not exceed \$338,
- (vi) 22% of the amount described in subsection (1) where the taxable service income of the member for the month in which the amount described in subsection (1) is contributed exceeds \$338 but does not exceed \$505,

Income Tax Act—continued

- (vii) 26% of the amount described in subsection (1) where the taxable service income of the member for the month in which the amount described in subsection (1) is contributed exceeds \$505 but does not exceed \$671,
- (viii) 30% of the amount described in subsection (1) where the taxable service income of the member for the month in which the amount described in subsection (1) is contributed exceeds \$671 but does not exceed \$838,
- (ix) 35% of the amount described in subsection (1) where the taxable service income of the member for the month in which the amount described in subsection (1) is contributed exceeds \$838 but does not exceed \$1,005,
- (x) 40% of the amount described in subsection (1) where the taxable service income of the member for the month in which the amount described in subsection (1) is contributed exceeds \$1,005 but does not exceed \$1,255,
- (xi) 45% of the amount described in subsection (1) where the taxable service income of the member for the month in which the amount described in subsection (1) is contributed exceeds \$1,255,

there shall be refunded to the member an amount of tax equal to the amount described in paragraph (b).

(3) Where in the year in which a member contributed an amount described in subsection (1) the amount determined under paragraph (a) of subsection (2) is less than the amount determined under paragraph (b) of subsection (2) that portion of the amount described in subsection (1) that one is of the number of months during the whole of which the contributor is a member in the year (assuming that he will continue to be a member during the whole of the month of contribution and of the months of the year following the month of contribution) shall be deemed to be in each month of the year an amount that under section 2310 may be deducted from the service income of the member for a month in computing his taxable service income for the month.

(4) Where the amount described in subsection (1) that is in fact contributed by a member in a year or by this subsection is deemed to be contributed by a member in a year exceeds an amount equal to the difference between

(a) an amount equal to the product of

(i) \$75, and

(ii) the number of months during the whole of which the contributor is a member in the year of contribution or deemed contribution (assuming that he will continue to be a member throughout the month of contribution or deemed contribution and the remaining months of the year),

and

(b) an amount equal to the product of

(i) the amount that may be deducted under paragraph (b) of subsection (3) of section 2309 in computing the service income of the member for the month in which the contribution is made or is deemed to be made as the case may be, and

(ii) the number of months described in subparagraph (ii) of paragraph (a),

Income Tax Act—continued

the excess amount shall be deemed to be an amount contributed by the member on the first day of the year next following the year of factual contribution or deemed contribution as the case may be and shall not be treated as an amount contributed in the year that it was in fact contributed.

PAY FORFEITURES AND LEAVE WITHOUT PAY

2316. (1) Where in a taxation month in which tax is payable by a member under section 2308 the member is lawfully subjected to forfeiture of his pay and allowances for a continuous period of days exceeding 7 of which one or more days are in the month the amount of tax payable by the member in the month under section 2308 shall be reduced by that portion of the amount that the number of days in the month included in the period of forfeiture is of 30.

(2) Where during a taxation month in which tax is payable by a member under section 2308 the member is not in fact entitled to pay and allowances under pay and allowance regulations by reason of his absence from duty on leave without pay the amount of tax payable by the member in the month under section 2308 shall be reduced by that portion of the amount that the number of days in the month that he was so absent from duty on leave without pay is of 30.

ABATEMENT FOR DUTY OUTSIDE CANADA

2317. (1) There may be deducted from the tax otherwise payable for a month under Division B by a member who during the month is on duty outside Canada as defined in subsection (2) the whole of the tax or \$30, whichever is the lesser.

(2) For the purpose of this section a member shall be considered to be on duty outside Canada after he has, in the course of his employment as a member, departed from Canada or the Continental United States of America including Alaska to participate in military operations undertaken by the United Nations to restore peace in the Republic of Korea and for the purpose of this section he shall be considered as ceasing to be on duty outside Canada when

- (a) he returns to Canada or the Continental United States of America including Alaska, or
- (b) he is posted in the course of his employment as a member to a unit or establishment which is not participating in military operations undertaken by the United Nations to restore peace in the Republic of Korea, or
- (c) the unit or establishment to which he is posted in the course of his employment as a member, having ceased to participate in military operations undertaken by the United Nations to restore peace in the Republic of Korea, arrives at the place to which it is assigned,

whichever is the earliest.

(3) For the purpose of this section but subject to the provisions of subsection (4), a member shall be deemed to be on duty outside Canada during the month if he is so on duty on the first day of the month and not otherwise.

(4) When, in the opinion of the Minister, the normal course of duty of a class of members is such that an individual member of the class is required to be on duty outside Canada at periodic intervals for periods

Income Tax Act—continued

aggregating 30 or more days in a taxation year but not necessarily including the first day of any month, the Minister may direct that subsection (3) shall not apply to the class of members.

(5) Where the Minister has directed that subsection (3) shall not apply to a class of members an individual member of that class shall be deemed for the purpose of this section to have been on duty outside Canada

- (a) during his last taxation month in the year, if the aggregate number of days that he was on duty outside Canada as a member of that class in the year exceeds 29,
- (b) during each of his last 2 taxation months in the year if the aggregate number of days that he was on duty outside Canada as a member of that class in the year exceeds 59,
- (c) during each of his last 3 taxation months in the year if the aggregate number of days that he was on duty outside Canada as a member of that class in the year exceeds 89,
- (d) during each of his last 4 taxation months in the year if the aggregate number of days that he was on duty outside Canada as a member of that class in the year exceeds 119,
- (e) during each of his last 5 taxation months in the year if the aggregate number of days that he was on duty outside Canada as a member of that class in the year exceeds 149,
- (f) during each of his last 6 taxation months in the year if the aggregate number of days that he was on duty outside Canada as a member of that class in the year exceeds 179,
- (g) during each of his last 7 taxation months in the year if the aggregate number of days that he was on duty outside Canada as a member of that class in the year exceeds 209,
- (h) during each of his last 8 taxation months in the year if the aggregate number of days that he was on duty outside Canada as a member of that class in the year exceeds 239,
- (i) during each of his last 9 taxation months in the year if the aggregate number of days that he was on duty outside Canada as a member of that class in the year exceeds 269,
- (j) during each of his last 10 taxation months in the year if the aggregate number of days that he was on duty outside Canada as a member of that class in the year exceeds 299,
- (k) during each of his last 11 taxation months in the year if the aggregate number of days that he was on duty outside Canada as a member of that class in the year exceeds 329.

**TAX ON LUMP SUM PAYMENTS OF DEFERRED PAY
AND GRATUITIES**

2318. (1) In the case of a single payment to be made in a taxation year to a former member as

- (a) a return of the aggregate of his pay and allowances withheld under pay and allowance regulations on or after July 1, 1952, as deferred pay,
- (b) a gratuity payable under pay and allowance regulations or under the *Defence Services Pension Act*,

Income Tax Act—*continued*

there shall be paid by the former member a tax on the amount thereof equal to 85% of that portion of the amount that the tax paid by the former member under section 2308 in the last taxation month that he was a member is of his service income for that month.

(2) In the case of a single payment to be made in a taxation year to or for the benefit of a person who was dependent upon a former member while he was a member or to the estate of a former member as

- (a) a return of the aggregate amount withheld under pay and allowance regulations on or after July 1, 1952, from the pay and allowances of the former member as deferred pay,
- (b) a gratuity payable under pay and allowance regulations or under the *Defence Services Pension Act*,

there shall be paid by the person or estate a tax on the amount thereof equal to the tax that would have been payable under subsection (1) by the former member if the amount were an amount to be paid to him under that subsection.

(3) Where a tax is payable by a person or estate under subsection (2) on the amount of a payment described in that subsection that would be included in computing the income of the person or estate for the purpose of Part I of the Act for the taxation year in which the payment is made, the amount may, at the option of the person or estate, be deemed not to be income of the person or estate for the purpose of Part I of the Act for the year and in that event the tax paid under subsection (2) shall be in full satisfaction of all tax payable on the amount.

(4) Where a tax is payable by a person or estate under subsection (2) on the amount of a payment described in that subsection that under section 2301 is not to be included in computing the income of the person or estate for the purpose of Part I of the Act for the taxation year in which the payment is made, the amount may, at the option of the person or estate and notwithstanding section 2301, be included in computing the income of the person or estate for the purpose of Part I of the Act for the year and in that event the tax paid under subsection (2) shall be regarded as a payment on account of the tax payable by the person or estate for the year under Part I of the Act.

(5) The tax payable under this section shall be payable at the time the single payment described in subsection (1) or (2) is to be made and shall be paid by being withheld from the amount of the payment prior to remission to the payee.

(6) A former member to whom a single payment described in subsection (1) is to be made or a person or estate to whom a single payment described in subsection (2) is to be made shall be liable to pay the tax imposed under this section whether or not at the time the payment is to be made the former member, person or estate is a resident of Canada.

DETERMINATION OF TAX BY PAY OFFICER

2319. The amount of tax payable by a member under this Part or the amount of a refund of tax to which a member is entitled under this Part shall be determined by the member's pay officer in accordance with the provisions of this Part, and for this purpose the pay officer shall be deemed to act on behalf of the Minister.

Income Tax Act—continued**REMITTANCE OF TAX**

2320. The amount of tax deducted or withheld under the provisions of this Part in a month less the amount of tax refunded in the month under this Part shall be paid to the Receiver General of Canada forthwith upon determination by the pay officer of the net amount and remittances to the Receiver General of Canada shall be sent to the Director-Taxation, Ottawa.

PART XXIV**Foreign Taxable Income of Life Insurance Companies****COMPUTATION**

2400. For the purpose of paragraph (b) of subsection (3) of section 41 of the Act, the taxable income of a life insurance corporation for the year received from a country other than Canada is the aggregate of:

- (a) an amount equal to that proportion of income arising from investments that is included in computing the corporation's taxable income for the year that the corporation's reserve liabilities in the country at the end of the year are of its total reserve liabilities at the end of the year,
- (b) an amount equal to that proportion of profits of the participating fund that are included in computing the corporation's taxable income for the year that the dividends payable under insurance and annuity contracts by the corporation in the country in the year are of the total dividends payable under insurance and annuity contracts by the corporation in the year,
- (c) an amount equal to that proportion of one-half of the profits of the non-participating fund that are included in computing the corporation's taxable income for the year that the corporation's reserve liabilities in the country at the end of the year in respect of its non-participating fund are of its total reserve liabilities at the end of the year in respect of its non-participating fund,
- (d) an amount equal to that proportion of one-half of the profits of the non-participating fund that are included in computing the corporation's taxable income for the year that the non-participating premium income received in the country in the year is of the total non-participating premium income received in the year, and
- (e) an amount equal to that proportion of the profits of the accident and sickness branch that are included in computing the corporation's taxable income for the year that the premiums written in the accident and sickness branch in the country in the year are of the total premiums written in the branch in the year,

minus an amount equal to that proportion of the amounts transferred in the year from the shareholders' account to an insurance fund or an investment reserve fund that the aggregate of the amounts for the year computed under paragraphs (a), (b), (c), (d) and (e) in respect of the country is of the aggregate of the amounts included in computing the corporation's taxable income for the year.

Income Tax Act—continued**ALTERNATIVE COMPUTATION**

2401. Where, in a taxation year, a life insurance corporation has paid to the government of a country other than Canada an income tax on interest, dividends or rents received from the country and no amount of taxable income in respect of the country is determinable under section 2400, the corporation's taxable income from the country for the year shall be deemed to be that proportion of the interest, dividends and rents upon which the tax was paid that

- (a) the income from interest, dividends and rents that is included in taxable income,

is of

- (b) the aggregate of the corporation's gross revenue for the year from interest, dividends and rents.

DEFINITIONS

2402. For the purpose of this Part,

- (a) "income arising from investments" means the aggregate of
 - (i) interest, dividends and rents, earned, less investments expenses,
 - (ii) gross profit on sale or maturity of ledger assets, and
 - (iii) gross profit on the writing up of ledger assetsminus the aggregate of
 - (iv) gross loss on sale or maturity of ledger assets, and
 - (v) gross loss on the writing down of ledger assets;
- (b) "ledger assets" has the meaning attached to it in the annual statements required by and published by the Superintendent of Insurance for Canada;
- (c) "reserve liabilities" means the net reserve under insurance, annuity and other contracts in force for payments not due, dependent on life, disability or other contingency or for a term certain;
- (d) "participating fund" and "non-participating fund" have the meaning attached to them in the annual statements required by and published by the Superintendent of Insurance for Canada; and
- (e) "premium income" means the aggregate of
 - (i) premiums received on life insurance policies, and
 - (ii) considerations received for annuities, sinking fund and capital redemption policiesminus the aggregate of
 - (iii) premiums paid for reinsurance of life insurance policies, and
 - (iv) considerations paid for reinsurance of annuities, sinking fund and capital redemption policies.

PART XXV**Indebtedness of Public Employees**

2500. (1) Where a public employee is indebted for income tax or other liability under the Act, the Minister may require the retention by way of deduction or set off of such amount or amounts as the Minister may specify out of any amount or amounts that may be or become payable to the public employee in respect of salary or wages.

Income Tax Act—continued

(2) The requirement referred to in subsection (1) shall be made in writing and any person holding the position of Director-Taxation in a District Office of the Taxation Division of the Department of National Revenue may exercise the powers of the Minister for the purpose of this Part.

(3) In this Part "public employee" means a person who is entitled to receive salary or wages payable by Her Majesty in the right of Canada.

Schedule A

Scale of tax deduction rates, daily, bi-weekly, weekly, semi-monthly, monthly, ten-monthly and yearly. Copies of Schedule A may be obtained from the Taxation Division, Department of National Revenue, Ottawa.

Schedule B

CLASS 1

(4%)

Property not included in any other class that is

- (a) a bridge,
- (b) a canal,
- (c) a culvert,
- (d) a dam,
- (e) a jetty,
- (f) a mole,
- (g) a road, sidewalk, aeroplane runway, parking area or similar surface construction,
- (h) railway track and grading that is not part of a railway system, or
- (i) tile drainage.

CLASS 2

(6%)

Property that is

- (a) electrical generating equipment (except as specified elsewhere in this Schedule),
- (b) a pipeline for oil, gas or water unless, in the case of a pipeline for oil or natural gas, the Minister, in collaboration with the Minister of Mines and Technical Surveys, is satisfied that the main source of supply for the business for which the pipeline was acquired is likely to be exhausted within 15 years from January 1, 1949 or the date of commencement of the business, whichever is the later,
- (c) the generating and distributing equipment and plant (including structures) of a producer or distributor of electrical energy, except a property included in class 10, 13 or 14,
- (d) manufacturing and distributing equipment and plant (including structures) acquired primarily for the production or distribution of gas, except
 - (i) a property included in class 10, 13 or 14, or
 - (ii) a property acquired for the purpose of producing or distributing gas that is normally distributed in portable containers,

Income Tax Act—continued

- (e) the distributing equipment and general plant (including structures) of a distributor of water, except a property included in class 10, 13 or 14, or
- (f) the production and distributing equipment and general plant (including structures) of a distributor of heat, except a property included in class 10, 13 or 14.

CLASS 3

(5%)

Property not included in any other class that is

- (a) a building or other structure, including component parts such as electric wiring, plumbing, sprinkler systems, air-conditioning equipment, heating equipment, lighting fixtures, elevators and escalators,
- (b) a breakwater (other than a wooden breakwater),
- (c) a dock,
- (d) a trestle,
- (e) a windmill, or
- (f) a wharf.

CLASS 4

(6%)

Property, that would otherwise be included in another class in this Schedule, that is

- (a) a telephone or telegraph system or a part thereof, except radio receiving and transmission equipment and property included in class 10, 13 or 14,
- (b) a railway system or a part thereof, or
- (c) a tramway or trolley bus system or a part thereof, except property included in class 10, 13 or 14.

CLASS 5

(10%)

Property that is

- (a) a chemical pulp mill or ground wood pulp mill including buildings, machinery and equipment but not including hydro-electric power plants and their equipment, or
- (b) an integrated mill producing chemical pulp or ground wood pulp and manufacturing therefrom paper, paper board or pulp board, including buildings, machinery and equipment but not including hydro-electric power plants and their equipment.

CLASS 6

(10%)

Property not included in any other class that is

- (a) a building of
 - (i) frame,
 - (ii) log,

Income Tax Act—continued

- (iii) stucco on frame,
- (iv) galvanized iron, or
- (v) corrugated iron,
- construction including component parts such as electric wiring, plumbing, sprinkler systems, air-conditioning equipment, heating equipment, lighting fixtures, elevators and escalators,
- (b) a wooden breakwater,
- (c) a fence,
- (d) a greenhouse,
- (e) an oil or water storage tank,
- (f) a railway tank car, or
- (g) a wooden wharf.

CLASS 7

(15%)

Property that is

- (a) a canoe or rowboat,
- (b) a scow,
- (c) a ship as defined in the *Canada Shipping Act*,
- (d) furniture, fitting or equipment attached to a property included in this class (except radar equipment and radio equipment),
- (e) a spare engine for a property included in this class, or
- (f) a marine railway.

CLASS 8

(20%)

Property that is a tangible capital asset that is not included in another class in this Schedule except land, or any part thereof or any interest therein, and also excepting

- (a) an animal,
- (b) a tree, shrub, herb or similar growing thing,
- (c) a gas well,
- (d) a mine,
- (e) an oil well,
- (f) radium,
- (g) railway track,
- (h) railway grading,
- (i) a railway subway,
- (j) a railway street crossing,
- (k) a right of way,
- (l) timber limit, and
- (m) tramway track.

Income Tax Act—continued

CLASS 9

(25%)

Property that is

- (a) electrical generating equipment, if
 - (i) the taxpayer is not a person whose business is the production for the use of or distribution to others of electrical energy,
 - (ii) the equipment is auxiliary to the taxpayer's main power supply, and
 - (iii) the equipment is not used regularly as a source of supply,
- (b) radar equipment,
- (c) radio transmission equipment,
- (d) radio receiving equipment that is used in conjunction with radio transmission equipment, or
- (e) electrical generating equipment that has a maximum load capacity of not more than 15 kilowatts.

CLASS 10

(30%)

Property not included in any other class that is

- (a) automotive equipment (including a trolley bus but not including a tramcar or railway locomotive),
- (b) a cement mixer,
- (c) harness or stable equipment,
- (d) a sleigh,
- (e) a trailer, or
- (f) a wagon,

and property that would otherwise be included in another class that is

- (g) a building acquired for the purpose of gaining or producing income from a mine (except an office building that is not situated on the mine property and a refinery),
- (h) contractor's movable equipment (including portable camp buildings),
- (i) a floor of a roller skating rink,
- (j) gas or oil well equipment (including a structure) that is normally used above ground,
- (k) mining machinery and equipment acquired for the purpose of gaining or producing income from a mine,
- (l) property that was acquired for the purpose of cutting and removing merchantable timber from a timber limit and will be of no further use to the taxpayer after all merchantable timber has been removed from the limit, unless the taxpayer has elected to include another property of this kind in another class,
- (m) mechanical equipment acquired for logging operations, but not including a property described in class 7,
- (n) access roads and trails for the protection of standing timber against fire, insects and disease,

Income Tax Act—continued

- (o) property that was acquired for a motion picture drive-in theatre, or
- (p) property included in this class by virtue of subsection (8) or (9) of section 1102.

CLASS 11

(35%)

Property not included in any other class that is an electrical advertising sign owned by the manufacturer thereof and used to earn rental income.

CLASS 12

(100%)

Property not included in any other class that is

- (a) a book that is part of a lending library,
- (b) chinaware, cutlery or other tableware,
- (c) a kitchen utensil costing less than \$50,
- (d) a die, jig, pattern, mould or last,
- (e) a medical or dental instrument costing less than \$50,
- (f) a mine shaft, main haulage way or similar underground work designed for continuing use, or any extension thereof, sunk or constructed after the mine came into production,
- (g) linen,
- (h) a tool costing less than \$50,
- (i) a uniform, or
- (j) the cutting or shaping part in a machine.

CLASS 13

Property that is a leasehold interest except

- (a) an interest in minerals, petroleum, natural gas, other related hydrocarbons or timber and property relating thereto or in respect of a right to explore for, drill for, take or remove minerals, petroleum, natural gas, other related hydrocarbons or timber, and
- (b) that part of the leasehold interest that is included in another class by reason of subsection (5) of section 1102.

CLASS 14

Property that is a patent, franchise, concession or license for a limited period in respect of property but not including

- (a) a franchise, concession or licence in respect of minerals, petroleum, natural gas, other related hydrocarbons or timber and property relating thereto (except a franchise for distributing gas to consumers) or in respect of a right to explore for, drill for, take or remove minerals, petroleum, natural gas, other related hydrocarbons or timber, or
- (b) a leasehold interest.

Income Tax Act—continued**CLASS 15**

Property that would otherwise be included in another class of this Schedule but for the fact that

- (a) it was acquired for the purpose of cutting and removing merchantable timber from a timber limit, and
- (b) it will be of no further use to the taxpayer after all merchantable timber has been removed from the limit,

except property that the taxpayer has, in the taxation year or a previous taxation year, elected not to include in this class.

CLASS 16

(40%)

Property that is

- (a) an aircraft,
- (b) furniture, fittings or equipment attached to an aircraft, or
- (c) a spare part for a property included in this class.

Schedule C**TIMBER LIMITS AND CUTTING RIGHTS**

1. For the purpose of paragraph (e) of subsection (1) of section 1100, the amount that may be deducted in computing the income of a taxpayer for a taxation year in respect of a timber limit is the lesser of

- (a) an amount computed on the basis of a rate (computed under section 2 of this Schedule) per cord or board foot cut in the taxation year, or
- (b) the undepreciated capital cost to the taxpayer as of the end of the taxation year (before making any deduction under section 1100 for the taxation year) of the timber limit.

2. The rate for a taxation year is

- (a) if the taxpayer has not been granted an allowance in respect of the limit for any previous year, an amount determined by dividing the capital cost of the limit to the taxpayer minus the residual value by the total quantity of timber in the limit (expressed in cords or board feet) as shown by a *bona fide* cruise, and
- (b) if the taxpayer has been granted or is deemed to have been granted an allowance in respect of the limit for a previous year,
 - (i) if no rate has been determined under subparagraph (ii) the rate employed to determine the allowance for the most recent year for which an allowance was granted, and
 - (ii) where it has been established, by evidence filed with the the Minister before the taxation year, that the quantity of timber that was in the limit was in fact substantially different from the quantity that was employed in determining the rate for the previous year, a rate determined by dividing the undepreciated capital cost to the taxpayer of the limit as of the commencement of the year minus the residual value thereof by the estimated remaining quantity of timber in the limit (expressed in cords or board feet) at the commencement of the year.

Income Tax Act—continued

3. In lieu of the deduction otherwise determined under this Schedule, a taxpayer may elect that the deduction for a taxation year be the lesser of

- (a) \$100, or
- (b) the amount received by him in the taxation year from the sale of timber.

4. In this Schedule, "residual value" means the estimated value of the property if the merchantable timber were removed.

Schedule D

WOODS ASSETS

1. For the purpose of paragraph (f) of subsection (1) of section 1100, the amount that may be deducted in computing the income of a taxpayer for a taxation year in respect of property described in class 15 of Schedule B is the lesser of

- (a) an amount computed on the basis of a rate per cord or board foot cut in the taxation year, or
- (b) the undepreciated capital cost to the taxpayer as of the end of the taxation year (before making any deduction under section 1100 for the taxation year) of property of that class.

2. Where all the property of the class is used in connection with one timber limit or section thereof, the rate per cord or board foot is the amount determined by dividing

- (a) the undepreciated capital cost to the taxpayer as of the end of the taxation year (before making any deduction under section 1100 for the taxation year) of the property

by

- (b) the number of cords or board feet of timber in the limit or section thereof as of the commencement of the taxation year as shown by deducting the quantity cut up to that time from the amount shown by the latest cruise.

3. Where a part of the property of the class is used in connection with one timber limit or a section thereof and a part is used in connection with another limit or section thereof, a separate rate shall be computed for each part of the property, in the manner provided in section 2 of this Schedule, as though each part of the property were the taxpayer's only property of that class.

Schedule E

INDUSTRIAL MINERAL MINES

1. For the purpose of paragraph (g) of subsection (1) of section 1100, the amount that may be deducted in computing the income of a taxpayer for a taxation year in respect of an industrial mineral mine described in paragraph (g) of subsection (1) of section 1100 is the lesser of

- (a) an amount computed on the basis of a rate (computed under section 2 of this Schedule) per unit of mineral mined in the taxation year, or
- (b) the undepreciated capital cost to the taxpayer as of the end of the taxation year (before making any deduction under section 1100) of the mine.

Income Tax Act—continued**2. The rate for a taxation year is**

- (a) if the taxpayer has not been granted an allowance in respect of the mine for any previous year, an amount determined by dividing the capital cost to the taxpayer minus the residual value by the total number of units of commercially mineable material estimated as being in the property, and
- (b) if the taxpayer has been granted or is deemed to have been granted an allowance in respect of the mine for a previous year,
 - (i) if no rate has been determined under subparagraph (ii), the rate employed to determine the allowance for the most recent year for which an allowance was granted, or
 - (ii) where it has been shown to the satisfaction of the Minister before the taxation year that the quantity of commercially mineable material is, in fact, a different quantity from that employed in determining the rate for the previous year, a rate determined by dividing the capital cost minus the residual value by the quantity so shown.

3. In lieu of the deduction otherwise determined under this Schedule, a taxpayer may elect that the deduction for a taxation year be the lesser of

(a) \$100, or

(b) the amount received by him in the taxation year from the sale of mineral.

4. In this Schedule, "residual value" means the estimated value of the property if all commercially mineable material were removed.

FORMS

Schedule F—Scales of Service tax deduction rates.

Schedule G—Payload capacity of aircraft.

Schedule H—Personal Exemption Return, Armed Forces.

Schedule I—Application for Adjustment of Tax Paid by a Member of Armed Forces, Charitable Donations and Medical Expenses.

Schedule J—Portion of Subsistence Allowance that may be deducted.

Copies of Schedules F to J inclusive, may be obtained on application to the Taxation Division, Department of National Revenue, Ottawa.

INDIAN ACT. (R.S.C., 1952, c. 149)

	Page
1. <i>Disposal of forfeited goods and chattels</i>	1941
2. <i>Indian quartz mining regulations</i>	1942
3. <i>Indian reserve traffic regulations</i>	1954
4. <i>Tariff of fees for administrative services</i>	1956
5. <i>Indian timber regulations</i>	1956
6. <i>Indian oil and natural gas regulations</i>	1962

1. Disposal of Forfeited Goods and Chattels

P.C. 6106

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 15th day of November, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration and under the authority of section seventy-two of The Indian Act, is pleased to make the annexed "Regulation respecting the disposal of goods and chattels ordered forfeited pursuant to subsection three of section 101 of The Indian Act," and it is hereby made and established, accordingly.

Regulation respecting the disposal of goods and chattels ordered forfeited pursuant to subsection three of section 101 of The Indian Act

1. Goods and chattels forfeited to Her Majesty pursuant to the provisions of subsection three of section 101 of the Indian Act shall be sold at public auction following advertisement published in such local papers as the Minister may designate.

2. Where any goods and chattels have been forfeited pursuant to subsection three of section 101 of the Act, anyone (other than the person accused of an offence resulting in such forfeiture, or the person in possession of such goods and chattels when the offence was committed) who claims an interest in such goods and chattels as owner, mortgagee, lien-holder or holder of any like interest, may, within thirty days after such forfeiture, apply to the Minister for a determination of his interest.

3. Where, following such application, it appears to the satisfaction of the Minister,

- (a) that the claimant is innocent of any complicity in the offence resulting in such forfeiture, or of any collusion with the offender in relation thereto, and
- (b) that he exercised all reasonable care in respect of the person permitted to obtain the possession of such goods and chattels to satisfy himself that they were not likely to be used contrary to

Indian Act—continued

the provisions of the Act, or, if a mortgagee or lien-holder, that before becoming such mortgagee or lien-holder exercised such care with respect to the mortgagor or lien-giver, the Minister may order that the interest of the claimant be not affected by such forfeiture.

4. Where the circumstances make it appear to the Minister that the goods and chattels forfeited pursuant to subsection three of section 101 of the Act should in the public interest be disposed of otherwise than by public auction, the Minister may direct that they be otherwise disposed of, in which case the direction shall prescribe such conditions and restrictions as the Minister may deem necessary or advisable.

2. Indian Quartz Mining Regulations

P.C. 1954-1366

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration and pursuant to the powers conferred by the Indian Act, is pleased to order as follows:

1. The regulations for the disposal of quartz mining claims within Indian reserves, established by Order in Council P.C. 5069 of 10th November, 1948, are hereby revoked; and

2. The annexed "Regulations for the disposal of quartz mining claims within Indian reserves" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE DISPOSAL OF QUARTZ MINING CLAIMS
WITHIN INDIAN RESERVES

1. These regulations may be cited as the *Indian Quartz Mining Regulations*.

2. These regulations apply to minerals as herein defined within Indian Reserves and surrendered lands, except those situated in the Province of British Columbia.

3. In these regulations, unless the context otherwise requires:

- (a) "Department" means the Department of Citizenship and Immigration;
- (b) "Director" means the Director of the Indian Affairs Branch, Department of Citizenship and Immigration;
- (c) "holder, recorded holder" or "recorded owner" means any person in whose name a mineral claim, acquired under these regulations, stands recorded in the records of the Department;
- (d) "mine assessor" means the person so designated from time to time by the Director;

Indian Act—continued

- (e) "mineral" means all deposits of gold, silver and all naturally occurring useful minerals other than placer deposits, peat, coal, petroleum, natural gas, bitumen and oil shales; but does not include limestone, marble, clay, gypsum, or any building stone when mined for building purposes, earth, ash, marl, gravel, sand, and any element which may, in the opinion of the Minister, form a portion of the agricultural surface of the land;
- (f) "mineral claim" means a plot of ground containing mineral, staked and acquired under the provisions of these regulations;
- (g) "mining recorder" means the officer of the Department of Citizenship and Immigration appointed as such by the Minister;
- (h) "Minister" means the Minister of Citizenship and Immigration;
- (i) "person" includes corporation, syndicate, firm and partnership;
- (j) "Reserve" means Indian Reserve and surrendered lands.

Conditions and Regulations Respecting Prospecting and Mining

4. Any person or corporation authorized to prospect for minerals under the laws of the Province in which a Reserve is situate, wherein it is desired to enter upon for the purpose of prospecting for minerals, may, after obtaining a permit from the Director prospect for minerals upon Reserves except as hereinafter provided, and may acquire the exclusive right to carry on mining operations in a specified area by staking and recording a claim therefor, and upon performing and filing proof of the performance of the prescribed development work with the Director and upon obtaining a survey and plans of the area staked and entering into a lease with the Minister in the prescribed form.

Permits to Prospect

5. No person, not the holder of a prospector's permit shall prospect for minerals upon Reserves, or stake, record or acquire any mineral claim or area of land for which a lease has not already been issued or acquire any right or interest therein.

6. (1) Any person licensed to transact business or hold lands and authorized to prospect for minerals under the laws of the province in which a Reserve is situate wherein it is desired to enter upon for the purpose of prospecting for minerals shall be entitled on payment of the fee of \$5.00 to obtain a prospector's permit in the prescribed form.

(2) The permit shall be dated on the day of issue thereof and shall expire at midnight on the 31st day of March the next ensuing.

(3) The permit shall not be transferable.

(4) A permit shall not be issued to a corporation that is incorporated under the laws of the Parliament of Canada or a province unless or until it has satisfied the Director that it is so incorporated; a provincial corporation desiring to obtain a permit in a province other than that of its incorporation shall file with the Director a copy of the licence, verified by the affidavit of an officer of the corporation, authorizing the corporation to transact business or hold land in the province in which the permit is required.

(5) A prospector's permit held by a corporation shall not entitle any shareholder, officer or employee thereof to the rights and privileges of a permit holder.

Indian Act—*continued*

(6) A permit holder shall be entitled to a renewal of his permit, in the prescribed form, on production of his permit before the expiration thereof and on payment of the prescribed fee.

(7) The Director, upon proof to his satisfaction of the wilful contravention by any permittee of any of the provisions of these regulations, may revoke the permit of such permittee.

(8) The permittee, his agent or employees shall exercise every care in the use of fire; any infraction of existing fire laws on the part of the permittee, his agents or employees shall render the permit liable to cancellation.

Lands open for staking

7. Subject to the provisions herein contained, the holder of a prospector's permit may prospect for minerals and stake out a mineral claim on any Reserve surveyed or unsurveyed which has been declared open for staking by the Minister, provided that none of the lands have been staked or recorded as a mineral claim which has not lapsed or been abandoned, cancelled or forfeited or withdrawn from prospecting or staking by the Minister.

8. A permit holder for himself or on behalf of any other permit holder may stake a mineral claim on any Reserve open for prospecting and subject to other provisions herein contained, may work such claim and transfer his interest therein to any permit holder, but where the surface rights in the land have been leased or are held under licence, Certificate of Occupation or Certificate of Possession a mineral claim may be staked but compensation shall be made therefor as provided hereinafter.

Lands not open

9. No person shall prospect for mineral or stake a mineral claim on any part of any Reserve used as a garden, orchard, vineyard, nursery or plantation, or upon which crops, which may be damaged by such prospecting, are growing, or on that part of any Reserve upon which is situated any artificial reservoir, dam or waterworks or any dwelling house, out-house, manufactory, public building, church or cemetery, except with the consent of the Director.

10. A water power lying within the limits of a mineral claim shall not be deemed to be part of the claim for the uses of the permit holder and a road allowance of one chain in width shall be reserved on both sides of the water, together with such additional area of land as in the opinion of the Director may be necessary for the development and utilization of such water power.

11. The Minister may, when they have not been staked or leased, withdraw temporarily or permanently from prospecting and staking any lands within a Reserve declared open for staking.

Compensation

12. No person shall enter upon for prospecting or mining purposes or shall mine upon lands leased or held under licence, Certificate of Occupation or Certificate of Possession, until adequate security has been given to

Indian Act—*continued*

the satisfaction of the mining recorder for any loss or damage which may thereby be caused, and any person so entering, locating, prospecting or mining upon any such lands shall make full compensation to the lessee, licensee, holder of the Certificate of Occupation or holder of the Certificate of Possession of such lands for any loss or damage so caused, such compensation in case of dispute to be determined by the Director.

Staking, size and number of mineral claims

13. Except as otherwise declared by the Minister, the rules governing the mode of staking and the size and number of mineral claims in force from time to time in the province or in the part thereof within which any Reserve is situate apply to the staking of mineral claims on any such Reserve.

14. A permit holder or other person who for any purpose does any staking or plants, erects, or places any stake, post or marking upon any land open to prospecting except as authorized by these regulations, or causes or procures the same to be done, or who stakes or partially stakes any such land, or causes or procures the same to be done, and fails to record the staking with the recorder within the prescribed time, shall not thereafter be entitled to again stake such lands or any part thereof, or to record a mineral claim thereon, unless he notifies the recorder in writing of such staking, partial staking, or planting, placing or marking and of his abandonment thereof and satisfies the recorder by affidavit that he acted in good faith and for no improper purpose and pays to the recorder a fee of \$20 and procures from him a certificate establishing that the recorder is satisfied that he so acted.

15. Substantial compliance as nearly as circumstances will reasonably permit with the requirements of these regulations as to the staking of mineral claims shall be sufficient.

Applications to record

16. (1) A permit holder who has staked a mineral claim or upon whose behalf a mineral claim has been staked, shall within thirty days thereafter furnish the recorder with an outline, sketch or plan of the mineral claim showing the corner posts and the witness posts, if any, and their distance from each other in feet, together with an application setting forth the name of the permit holder by whom the claim was staked, and of the permit holder on whose behalf the application is made, and the numbers of their permits, and such other information as will enable the recorder to indicate the claim on his office map, the length of the outlines, and if for any reason they are not regular, such reason shall be stated, the day and hour when the claim was staked and the date of application: with the application shall be paid a fee of \$10.00 for each claim.

(2) The application and sketch or plan shall be accompanied by an affidavit, in the prescribed form, made by the permit holder who staked the claim, showing the date and hour of the staking and establishing that the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained and that all the other statements and particulars set forth and shown in the application and sketch or plan are true and correct, that at the time of staking there was nothing upon

Indian Act—continued

the lands to indicate that they were not open for staking as a mineral claim, that the deponent verily believes they were open; that the staking is valid and should be recorded, and that there are upon the lands or the lot or part lot or section of which they form a part, no buildings, clearing, or improvements for farming or other purposes except as set forth in the affidavit.

(3) Where it appears that an attempt has been made in good faith to comply with the provisions of these regulations, the inclusion of more or less than the prescribed area in a mineral claim, or the failure of the permit holder to describe or set out in the application, sketch or plan furnished to the recorder the actual area or parcel of land staked shall not invalidate the claim.

(4) A permit holder by or on whose behalf an application is made to record a mineral claim shall at the time of the application produce the permit of the permit holder by whom the staking was done and of the permit holder by or on whose behalf the application is made to the recorder, and the recorder shall endorse on the last mentioned permit a note in writing of the record of the claim.

(5) The recorder shall forthwith enter in the proper book the particulars of every application to record a mineral claim which he deems to be in accordance with the provisions of these regulations, unless a prior application is already recorded and subsisting therefor, or for any substantial portion of the same lands or mineral rights, and he shall file the application, sketch or plan and affidavit with the records of his office; and every application proper to be recorded shall be deemed to be recorded when it is received in the recorder's office, if all requirements for recording have been complied with, notwithstanding that the application may not have been immediately entered in the record book.

(6) As soon as reasonably possible after the recording of a mineral claim, and not later than the expiration of the time for performing the first instalment of work, the holder of the claim shall affix or cause to be affixed securely to each of the corner posts of the said claim, a metal tag plainly marked or impressed with the recorded number and letter or letters, if any, of the claim, and in default the claim may be cancelled by the recorder on the application of any person misled by the absence of such tags: the recorder on application shall supply such numbered tags free of charge.

Rights of permit holder

17. The staking or the filing of an application for or the recording of a mineral claim, or all or any of such acts, shall not confer upon a permit holder any right, title, interest or claim in or to the mineral claim, other than the right to proceed, as in these regulations provided, to obtain a certificate of record and a lease from the Minister.

Address for service

18. (1) Every application for a mineral claim and every other application and every transfer or assignment of a mineral claim or of any right or interest acquired under the provisions of these regulations shall contain, or have endorsed thereon, the place of residence and post office address of the applicant, transferee or assignee.

Indian Act—continued

(2) No such application, transfer or assignment shall be filed or recorded unless it conforms with the provisions of subsection (1).

(3) Another person resident in the province in which the mineral claim is situate may be substituted as the person upon whom service may be made by filing in the office in which any such application, transfer or assignment is filed or recorded, a memorandum setting forth the name, residence and post office address of such other person, and such substitution may be made from time to time as occasion may require.

(4) Service upon the person named as the person upon whom service may be made, unless another person has been substituted for him under the provisions of subsection (3), and in case of such substitution upon the person substituted, shall have the same effect as service upon the person whom he represents.

(5) The provisions of subsection (4) apply to every notice, demand or proceeding in any way relating to a mineral claim or to mining rights or to any other right or interest which may be acquired under the provisions of these regulations.

Agreements and transfers

19. (1) A transfer of a mineral claim or of any interest therein shall be in the prescribed form and shall be signed by the transferer or by his agent authorized by instrument in writing; such transfer shall be recorded in the office of the recorder and a fee of \$2.00 paid by the transferee to the recorder for recording each claim or each interest in a claim transferred.

(2) No transfer or assignment of or agreement or other instrument affecting a mineral claim or any recorded right or interest acquired under the provisions of these regulations, shall be entered on the record or received by the recorder unless it is approved in writing by the Director and purports to be signed by the recorded holder of the claim or right or interest affected or by his agent authorized by recorded instrument in writing, nor shall any instrument be recorded without an affidavit in the prescribed form, attached to or endorsed thereon, made by the subscribing witness to the instrument.

20. In the event of the Director receiving notice of any right or interest in any mineral claim claimed by any person other than the recorded holder thereof, the Minister may in his sole discretion, refuse to enter into any lease of such mineral claim until an instrument, executed by the person so claiming, releasing his, her or its claim, has been recorded or until a judgment of a court of competent jurisdiction has been recorded, defining the rights of the parties interested.

Working Conditions

21. (1) The recorded holder of a mineral claim heretofore or hereafter recorded shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening mines, sinking shafts or other actual mining operations to the extent of two hundred days' work of not less than eight hours per day, which work shall be performed as follows: at least thirty days' work within three months immediately following the recording of the claim,

Indian Act—*continued*

and not less than forty days in each of the remaining four years; provided that in any one of the said five years ten days additional work shall be done to make up the total of two hundred days.

(2) The Minister or mining recorder may grant an extension of not more than six months within which the initial thirty days' work may be performed.

(3) The recorded holder of a mineral claim shall pay a rental of fifty cents per acre per annum for the area contained in the recorded claim for the third, fourth and fifth work years; provided that if the required work is completed within the first two years the recorded holder shall thereby be relieved from the payment of rent under this section.

(4) The work may be completed in a shorter period than herein specified; if more work is performed by or on behalf of the recorded holder than is herein required during the first three months or in any subsequent year, the excess upon proof of it having been performed shall be credited by the recorder upon the work required to be done during any subsequent year.

(5) Boring by diamond or other core drill shall count as work at the rate of one day's work for every foot of boring, and work by a machine drill operated by compressed air shall count as work at the rate of three days' work for each man necessarily employed upon each drill so operated.

(6) The recorded holder of a mineral claim shall, not later than ten days after each of the periods specified, make a report verified by affidavit of the work done or caused to be done by him during such period, but a report shall not be required for any period in which in consequence of the work having been previously done and reported no work has been done; the report shall show in detail the names and residences of the persons who performed the work and the dates upon which each worked in its performance, together with a sketch of the claim showing the location of the work.

(7) A permit holder may perform all the work required to be performed by him in respect of not more than six contiguous mineral claims held by him on one or more of such claims, and the report and affidavit to be filed by him in respect of such work shall certify the claim or claims on which the work was performed and the claims upon which it is to be applied.

(8) The construction of houses or roads or other like improvements do not constitute actual mining operations.

(9) The survey of a mineral claim in compliance with section 26 shall count as forty days labour performed on the same claim.

(10) Survey by a recognized geo-electrical or geo-physical method may be counted as work at the rate of one day's work for each person necessarily employed in each survey.

Computation of time-extensions

22. The period of time between the 16th day of November and the 15th day of April, both days inclusive, shall be excluded from the time for performing the first instalment of work, but such exclusion shall not have the effect of extending the time for the performance of any subsequent instalment of work.

23. If by reason of pending proceedings or of the death or incapacity from illness of the holder of a mineral claim, the work is not performed within the prescribed time, the Director may from time to time extend

Indian Act—continued

the time for the performance of such work for such period as he may deem reasonable, and he shall forthwith enter a note of every such extension on the record of the claim.

Abandonment

24. (1) A permit holder may at any time abandon a mineral claim by giving notice in writing to the recorder of his intention so to do.

(2) Non-compliance by the permit holder with any requirement of these regulations as to the time or manner of the staking and recording of a mineral claim or with a direction of the recorder in regard thereto, within the time limited therefor, shall be deemed to be abandonment, and the claim shall, without any declaration, entry or act on the part of the Director be forthwith open to prospecting and staking.

Forfeiture

25. (1) All the interest of the holder of a mineral claim before the lease thereof has issued shall, without any declaration, entry or act on the part of the Director cease and the claim shall forthwith be open for prospecting and staking,

- (a) if the permit of the holder has expired, and has not been renewed;
- (b) if, without the consent in writing of the Director or for any purpose of fraud or deception or other improper purpose, the holder removes or causes or procures to be removed any stake or post forming part of the staking of such mineral claim, or for any such purpose changes or effaces or causes to be changed or effaced any writing or marking upon such stake or post;
- (c) if the prescribed work is not duly performed or the rental is not paid;
- (d) if any report required under these regulations is not made and filed with the recorder in respect of the work performed as herein required;
- (e) if the application for the lease required herein and initial payment thereunder is not made within the prescribed time.

(2) The recorder upon any forfeiture or abandonment of or of loss of rights in a mineral claim, shall forthwith enter a note thereof, with the date of entry, upon the record of the claim and mark the record of the claim cancelled.

Survey of mineral claims

26. (1) Before a lease of a mineral claim in unsurveyed territory is issued the claim shall be surveyed by a provincial land surveyor at the expense of the applicant who shall furnish to the recorder before or with his application the surveyor's plan in duplicate, field notes and description showing a survey in conformity with the regulations governing the disposal of quartz mineral claims in the province in which the claim is situated.

(2) The surveyor, before proceeding with such survey, shall examine the application and sketch or plan of the claim or certified copies thereof, and before completing or filing his survey ascertain by careful examination of the ground and by all other reasonable means in his power whether or

Indian Act—continued

not any other subsisting claim conflicts with the claim he is surveying, and no survey shall be accepted unless accompanied by a certificate signed by the surveyor in the following form:

I hereby certify that I have carefully examined the ground included in mineral claim No. surveyed by me, and have otherwise made all reasonable investigations in my power to ascertain if there was any other subsisting claim conflicting therewith, and I certify that I have found no trace or indication and have no knowledge or information of any such claim except as follows: (if none so state; if any, give particulars).

(3) The surveyor immediately after the completion of every survey of a mineral claim made by him shall deliver or forward by registered post to the Director a certified copy of the plan and of his field notes and the description of the claim.

(4) Claims found upon survey to contain a greater area than that prescribed by the regulations of the province in accordance with which such claims were staked shall be dealt with in the manner prescribed by the regulations of such province.

27. All mineral claims shall be subject to any taxes, rates or other assessments which may be legally imposed, and the holder of a mineral claim upon receipt of any bill therefor, shall pay the same promptly.

28. The recorded holder of a mineral claim shall not at any time lop, top, cut down or destroy any timber or trees growing on the mineral claim than may be necessary for the proper working of the claim.

29. (1) Upon compliance with the requirements of the Indian Act and these regulations and upon application within one year from the date upon which all work on any mineral claim is required to be performed, the claim holder shall be entitled to a lease thereof in the prescribed form for twenty-one years; the rent payable thereunder for the first five years shall be \$1.00 per acre per annum; for the second five years \$1.50 per acre per annum, and for the remaining eleven years \$2.00 per acre per annum with the right of renewal for further periods of ten years, subject to such rentals, terms and conditions as may be deemed advisable by the Minister, and the lessee shall furnish evidence satisfactory to the Minister to show that during the term of the lease or any renewal thereof he has complied fully with the provisions of such lease or renewal and with the provisions of the regulations in force from time to time during the currency of the lease or renewal and with the terms and requirements of the Indian Act.

(2) The Minister or mining recorder may extend the time for application for lease for an additional year on the application of the holder of a claim supported by his affidavit giving reasons and justifications for such extension; a fee of \$2 per claim is payable on such application.

Mining leases and the calculation of royalties

30. (1) There shall be paid to the Indian Affairs Branch on every mine acquired under the provisions of these regulations an annual royalty on any profits of such mine during any calendar year and the owner, manager, holder, tenant, lessee, occupier or operator of the mine shall be liable for and shall pay to the Branch an annual royalty on the first day of May in each year as follows:

Indian Act—continued

1.	Upon annual profits to \$100,000.00.....	3 per centum
2.	On the excess above \$100,000.00 to \$200,000.00.....	4 per centum
3.	“ “ “ \$200,000.00 “ \$300,000.00.....	5 per centum
4.	“ “ “ \$300,000.00 “ \$400,000.00.....	6 per centum
5.	“ “ “ \$400,000.00 “ \$500,000.00.....	7 per centum
6.	“ “ “ \$500,000.00 “ \$600,000.00.....	8 per centum
7.	“ “ “ \$600,000.00 “ \$700,000.00.....	9 per centum
8.	“ “ “ \$700,000.00	10 per centum

(2) The annual profits shall be ascertained and fixed in the following manner; the gross receipts from the year's output of the mine, or in case the ore, mineral or mineral bearing substances or any part thereof is not sold, but is treated by or for the owner, tenant holder, lessee, occupier or operator of the mine upon the premises or elsewhere, then the actual market value of the output, at the pit's mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value as appraised by the mine assessor shall be ascertained and from the amount so ascertained, the following and no other expenses, payments, allowances or deductions, shall be deducted and made:

- (a) the actual cost of transportation of any output sold, if paid or borne by the owner, tenant, holder, lessee, occupier or operator;
- (b) The actual and proper working expenses of the mine, both underground and above ground, including salaries and wages of necessary superintendents, captains, foremen, workmen, firemen, enginemen, labourers and employees of all sorts employed at or about the mine, together with the actual and proper salaries and office expenses for necessary office work done at the mine and in immediate connection with the operation thereof;
- (c) The cost of supplying power and light, and of the hire of horses or other means of transportation used in the mining operation, or in handling the ore or mineral;
- (d) The actual cost price of food and provisions for all employees, whose salaries or wages are made less by reason of being furnished therewith; also the actual cost of fodder for horses;
- (e) The actual cost price of explosives, fuel and any other supplies necessarily consumed in the mining operations;
- (f) Any actual and proper outlay incurred in safeguarding or protecting the mine or mineral product;
- (g) The cost of proper insurance upon the output if paid or borne by the owner, tenant, holder, lessee, occupier or operator and upon the mining plant, machinery, equipment and buildings used for or in connection with the actual mining operations, or for storing the ore or mineral;
- (h) An allowance of a sum for annual depreciation, by ordinary wear and tear, of the said plant, machinery, equipment and buildings, such sum to be based upon the probable annual average cost of repairs and renewals necessary to maintain the same in a condition of efficiency and in no case to exceed for any year fifteen per centum of the value at the commencement of such year, such value to be appraised by the mine assessor;

Indian Act—*continued*

- (i) The cost of actual work done in sinking new shafts, making new openings, workings or excavations of any kind, or of stripping, trenching or diamond drilling in or upon the lands upon which the mine is situated or upon any other lands belonging to the same owner, lessee, holder, tenant, occupier or operator within or upon the same Reserve, such work having for its object the opening up or testing for ore or mineral provided, however, that such expenditure is *bona fide*, and actually made or borne by the person or persons liable or who would but for this provision be liable to a charge upon the said mine under these regulations, and that separate accounts of such expenditure are kept and an affidavit or affidavits giving reasonable details of the nature, extent and location of such work furnished to the Director with the annual statement hereinafter provided for;
 - (j) All taxes payable or paid upon the profits of the mine or upon the profits of the mine or mineral work, or upon the profits made in smelting, refining or otherwise treating any of the products of the mine or mineral work.
- (3) No allowance or deduction shall in any case be made for cost of plant, machinery or buildings, nor for capital invested, nor for interest or dividend upon capital, or stock or investment, nor for depreciation in the value of the mine, mining land or mining property by reason of exhaustion or partial exhaustion of the ore or mineral, but this shall not restrict the generality of anything hereinbefore in this section contained.
- (4) For the purpose of this section, unless a contrary intention appears, the operations, business, matters and things carried on, occurring or existing during the preceding year shall be taken as the basis of fixing, assessing and ascertaining the royalty hereunder, but the royalty payable shall nevertheless be deemed to be a charge for the calendar year in which it is payable.
31. The owner, lessee, tenant, holder, occupier, manager and operator of every mine from which ore, minerals, or mineral-bearing substance is or are being taken, shall within ten days from the commencement of such active operations, notify the Director of the fact that such mine is in active operation, and shall give in such notice the name of the mine, and the name and address of the owner, lessee, tenant, holder, occupier, manager and operator of such mine, and the name and address of the manager, or of some other person, to whom notices to be given under these regulations may be sent (to be known as the name and address for service), and shall forthwith notify such Director of every change in the name and address of such manager or person, and of every change in the ownership, holding, tenancy, management, occupation or operation of such mine, and of every discontinuance of active operations, and of every recommencement thereof after discontinuance.
32. No person shall ship, send, take or carry away, or permit to be shipped, sent, taken or carried away from the mine from which the same has been taken, any ore, mineral or mineral-bearing substance, or any product thereof, until such person has notified the Director that the mine from which the same has been taken is in active operation.
33. (1) Every owner of a mine in active operation shall, without any notice or demand to that effect, in addition to any other statements which

Indian Act—continued

may otherwise be required, on or before the 1st day of March in every year, deliver to the Director a detailed statement in which shall be set forth:

- (a) the name and description of the mine;
- (b) the name and address of the person or persons, owning, holding, leasing, managing, occupying and operating the mine;
- (c) the quantity of ore, minerals and mineral bearing substances shipped or sent from or treated on the mining premises during the year ending 31st December last preceding;
- (d) the name or names of the smelter or mill and locality to which the same or any part thereof was sent;
- (e) the cost per ton for transportation to the smelter, refinery or mill, and actual, proper and necessary expenses of making sale, if any, and by whom paid or borne;
- (f) the cost per ton for smelter or mill charges, and by whom paid or borne;
- (g) the quantity of ore, minerals and mineral-bearing substances treated on the mining premises during the said year;
- (h) the value of the ore, minerals and mineral-bearing substances shipped after deducting the charges for making sales, and for transportation or for treatment;
- (i) the value of the ore, minerals and mineral-bearing substances treated on the mining premises;

And such treatment shall also show in another column or columns, with reasonable detail, the various expenses, payments, allowances and deductions which are proper to be made under the provisions of these regulations; and such statement shall show by way of summary the total receipts or market value at the pit's mouth of the year's output, as in these regulations specified, and the total amount of expenses, payments, allowances, and deductions proper under these regulations to be deducted therefrom, and the balance of profits for the year as in these regulations provided.

(2) Such statement and information required by this section shall be made and furnished by and under the oath of the owner, manager, holder, lessee, tenant, occupier or operator of such mine; but the Director or any mine assessor may require such information and statement, or any part thereof, to be given or verified under oath by any other or others of such persons, or by any person connected with the ownership, operation, or management of any such mine, and may in addition to the particulars above detailed require any other information, particulars or statements that may be thought expedient, and such requisition or requisitions may be made at any time or times that may be deemed proper.

34. (1) Every person liable to pay any royalty hereunder shall keep at or near the mine, proper books of account of the ore, minerals or mineral-bearing substances taken from the said mine, containing the quantity, weight and other particulars thereof and the value thereof and showing the returns of the amounts derived from the sale of such ores, minerals or mineral-bearing substances; and no ore, mineral or mineral-bearing substances taken out of any mine shall be removed therefrom or treated at any smelter, mill or refining works until the weight thereof shall have been correctly ascertained and entered in the said books of account; and such person shall also keep proper books showing each of the several

Indian Act—continued

expenses, payments, allowances or reductions mentioned herein, and showing any other facts and circumstances necessary or proper for ascertaining the amount of the royalty payable.

(2) If any doubt arises as to where such book or books shall be kept or as to how many, or what books shall be kept, the mine assessor shall determine the number and character of books to be kept and the place or places at which they shall be kept.

35. On the first day of March in every year during the currency of any quartz mining lease, the lessee shall file with the Director accurate plans of all underground workings at that date on the lands demised.

36. "Mine" as referred to in the royalty provision aforesaid includes any opening or excavation in, or working of the ground for the purpose of mining, opening up or proving any mineral or mineral-bearing substance, and any ore body, mineral deposit, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine.

37. The Minister may make such orders and issue such instructions from time to time, as may be necessary or expedient in the public interest, governing the development and operation of any mineral claim or mine acquired under these regulations.

Schedule of Fees and Rentals

Permit to prospect or renewal thereof	\$ 5.00
For recording each claim staked by a permit holder	10.00
Rental of mining claim held under prospector's permit, third, fourth and fifth years, per acre .....	.50
Rental payable under lease first five years \$1.00 per acre per annum; for second five years \$1.50 per acre per annum and \$2.00 per acre per annum for remaining eleven years.	
For filing transfer or agreement to sell or transfer the whole or part of a mining claim	2.00
For recording an extension of time for performing working conditions	3.00
Application fee for lease of mineral claim	5.00
Application for extension of time to apply for lease, for each claim .	2.00
For certificate relieving from disqualification under section 14	20.00
For abstract or copy of entries in record book respecting any mineral claim per folio (100 words) 10 cents. Minimum charge per claim .....	.25

3. Indian Reserve Traffic Regulations

P.C. 1954-1368

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration and pursuant to section 72 of the Indian Act, is pleased to order as follows:

Indian Act—continued

1. The Regulations governing the operation of vehicles within Indian Reserves, established by Orders in Council P.C. 5797 of 29th October, 1951, as amended, P.C. 579 of 25th April, 1952, P.C. 1954-566, 567, 568, 569 and 570 of 14th April, 1954, are hereby revoked; and

2. The annexed "Regulations governing the operation of vehicles within Indian Reserves" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE OPERATION OF VEHICLES
WITHIN INDIAN RESERVES

1. These regulations may be cited as the *Indian Reserve Traffic Regulations*.

2. These regulations apply to all roads the legal title to which is vested in Her Majesty in right of Canada within Indian Reserves.

3. In these regulations,

(a) "road" includes any roadway, driveway, street, lane or other place open to the public for the passage of vehicles; and

(b) "vehicle" means any wagon, cart, motor car, motor trucks, trailer, motorcycle, traction engine, tractor, road-making machinery or other conveyance that is driven, propelled or drawn by any kind of power.

4. (1) The driver of any vehicle shall bring such vehicle to a full stop when ordered to do so by any person authorized by the Minister of Citizenship and Immigration to enforce these regulations, and shall obey all directions issued by such authorized person in respect of the routing of control or traffic, including the parking of vehicles.

(2) The driver of any vehicle shall comply with the direction of any mechanical or other device or sign installed for the control or routing of traffic.

(3) The driver of any vehicle shall not drive such vehicle over any road the use of which for public traffic is prohibited by any sign or other device.

5. The person in charge of any vehicle shall not drive or ride such vehicle at any rate of speed that is excessive or dangerous, having regard to the conditions then prevailing, and such person shall keep such vehicle in such control when approaching a road intersection, or crossing for pedestrians or other purposes, as will enable him to prevent a collision with, or damage to, all other persons and vehicles.

6. The driver of any vehicle shall comply with all laws and regulations in force from time to time in the province in which the Indian Reserve is situated relating to motor vehicles, except such laws or regulations as are inconsistent with these regulations.

7. No person shall park or station any vehicle upon any road unless permission to do so is designated by signs erected over or marked on the roadway.

8. No vehicle in a dangerous or unsafe condition shall be operated on any road.

Indian Act—continued

9. Any person who violates any of the provisions of these regulations shall be guilty of an offence and shall be liable, upon summary conviction, to a penalty of not less than one dollar and not more than fifty dollars, or to imprisonment for a term not exceeding two months.

4. Tariff of fees for administrative services

P.C. 1954-2024

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration and pursuant to section 72 of the Indian Act, is pleased, hereby, to revoke Order in Council P.C. 5740 of 29th November, 1950, which established a tariff of fees for certain administrative services performed by the Indian Affairs Branch of the Department of Citizenship and Immigration, and is pleased to make and doth hereby make and establish in substitution therefor the following tariff of fees for administrative services performed by the Indian Affairs Branch in respect of Indian reserves and surrendered lands and the timber and mining and oil rights therein.

Tariff of Fees

Assignment fee, land sale contract or lease	\$ 3.00
Assignment fee, petroleum and natural gas permit	5.00
Assignment fee, timber licence	10.00
Copying Document, per folio .....	.25
Certificate of true copy	2.00
Certified copy of patent	5.00
Exemplification of patent	15.00

5. Indian Timber Regulations

P.C. 1954-2025

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration and pursuant to section 57 of the Indian Act, is pleased to order as follows:

1. The Regulations for the disposal of timber from Indian reserves and Indian lands, established by Order in Council P.C. 667 of 15th February, 1949, are hereby revoked; and

Indian Act—continued

2. The annexed "Regulations for the disposal of timber from Indian reserves and surrendered lands" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE DISPOSAL OF TIMBER FROM INDIAN RESERVES
AND SURRENDERED LANDS

1. These regulations may be cited as the *Indian Timber Regulations*.

2. These regulations apply to the harvesting, sale and disposal of timber within Indian Reserves and surrendered lands.

Interpretation

3. In these regulations,

- (a) "Act" means the Indian Act;
 - (b) "Agency" means the administrative district within which the timber lies or within which the Indian Band on whose behalf the timber is administered lives or resides;
 - (c) "Department" means the Department of Citizenship and Immigration;
 - (d) "Director" means the Director, Indian Affairs Branch of the Department;
 - (e) "dues" means any stumpage or royalty charged for the right or privilege of the cutting and removal of timber;
 - (f) "licence" means any written authority or contract issued by the Minister to any person other than a member of the Band on whose behalf the timber is being administered;
 - (g) "limit" means the area included in a permit or licence;
 - (h) "Minister" means the Minister of Citizenship and Immigration;
 - (i) "permit" means any written authority given by a superintendent to any Indian or Band of Indians to harvest or dispose of timber products from the Reserve or surrendered lands;
 - (j) "person" includes corporation, syndicate, firm and partnership;
- and other terms and expressions used in these regulations have the meaning ascribed to them in the Act.

Permits for Indian Use

4. Permits to cut timber free of dues may be issued by the superintendent to a Band for Band purposes, or to a member or group of members of a Band, to cut timber and fuel wood for his or their individual use.

Permits to Sell

5. (1) With the consent of the Council of a Band, permits to cut timber for sale may be issued by the superintendent to a Band or to a member or group of members of a Band.

(2) Dues shall be charged at prevailing rates for timber cut on Band land, and for timber harvested from individual locations or holdings of Indians the rate of dues may be reduced to one-half of such prevailing rates, and the rate of the dues shall be stated in the permit.

(3) With the approval of the Director, permits to cut and sell timber free of dues, or at dues less than the prevailing rates, may be issued by the superintendent to Indians as a measure of relief.

Indian Act—*continued*

6. All timber cut under permit shall be measured by a licensed scaler or by some competent person appointed by the superintendent,

- (a) at the place of cutting or at a concentration point adjacent thereto; or
- (b) in the Province of British Columbia, either at the place of cutting or at some point between such place and the mill.

7. Unless with the consent of the Director, timber cut under permit shall not be

- (a) manufactured; or
- (b) except in the Province of British Columbia, removed from the place of cutting or concentration point adjacent thereto,

until it has been measured and dues paid thereon.

8. All timber permits expire on the 30th of April in the year following the year of issue.

Licences

9. The Director may invite tenders by public advertisement for the right to cut and remove timber from a Reserve,

- (a) when the timber has been surrendered or released to the Crown; or
- (b) without a surrender, but with the consent of the Council of a Band, when he is satisfied the sale of the timber is in the interest of the Band.

10. Notwithstanding the provisions of section 9, the Director may dispense with advertising and dispose of available timber by such other method as he may deem advisable where it is estimated that the dues payable on such timber will not exceed the sum of \$2,500.

Renewals

11. (1) Timber licences expire on the 30th day of April in the year following the year of issue and may be renewed annually in accordance with the terms of the sale of the timber.

(2) Application for renewal shall be made during the term of the licence and if the application is not made within thirty days following the date of expiration of the licence it shall thereupon determine, and in the discretion of the Minister any security given by the licensee may be declared forfeited.

(3) If a limit has not been worked during the licence year, the licensee shall, with his application for renewal, furnish a sworn statement of the reasons for his failure to operate and a renewal shall be granted only if the Director is satisfied with such statement.

Ground Rent

12. Ground rent shall be paid for each licence year at the rate of ten dollars per square mile, except in the Province of British Columbia where the rate shall be twenty cents per acre, provided that in no case shall the rent for a licence year be less than forty dollars.

Fees

13. The fee for a licence is ten dollars and for each renewal thereof five dollars.

Indian Act—continued*Security Deposit*

14. (1) Every licensee shall deposit security in cash or bonds in accordance with the conditions of sale to ensure the completion of the contract and observance of its terms to the satisfaction of the Director. The amount of such security shall not be less than ten per cent or in excess of twenty per cent of the estimated dues.

(2) The Minister may convert the security deposit and apply the same against dues in arrears, and in such event the licence shall not be renewed until the security deposit has been restored to the full amount.

(3) If a licensee fails to comply with any condition of his contract or to complete the operation in a satisfactory manner, the Minister may declare the security deposit forfeited to the Crown for the benefit of the Band.

Scaling

15. Without the consent of the Director, timber cut under licence shall not be

(a) manufactured; or

(b) except in the Province of British Columbia, removed from the place of cutting or concentration point adjacent thereto,

until it has been measured and dues paid thereon.

16. Failing any other provision in the licence, all timber cut from the 1st of May to the 30th of November in any year shall be scaled and paid for by the 31st of January of the following year, and all timber cut from the 1st of December to the 30th of April in any licence year shall be scaled and paid for by the 30th of June following the cutting.

17. A licensee shall at his expense supply scaler's returns verified by affidavit.

Fire Protection

18. The licensee shall pay all costs of fire protection service and of the suppression of any fire in the limit covered by his licence or occasioned by persons employed by him.

19. For the purpose of controlling and extinguishing any fire the superintendent, police officer or fire ranger may use any privately owned equipment and may employ or summon the assistance of any male person on the Reserve between the ages of eighteen and sixty years.

Records

20. (1) A licensee shall maintain a record of timber cut each month and, when required, shall furnish a copy of the record to the Director.

(2) The Director, or anyone authorized by him, shall at all times have free access to and be permitted to examine the books and memoranda kept by any licensee showing the quantity of timber in board measure sawn from logs and of other timber products cut under the licence, and failure to produce such books and memoranda when required so to do shall subject such licensee to a forfeiture of his rights under the licence.

Cancellation

21. If the licensee fails to comply with the terms of the licence or the provisions of these regulations, the Minister in his discretion may suspend the rights of the licensee or declare the licence and security deposit forfeited.

Indian Act—continued*Conservation*

22. (1) With the consent of the licensee, the Director may vary any licence in respect of one or more parts of a licensed area or in respect of any type, size or species of timber.

(2) Notwithstanding anything contained in a licence, the Director may, for the purpose of forest management, watershed protection, fire protection or the preservation of the beauty of the landscape, game or game shelters, order the marking of such trees as are to be left standing or cut in the licensed area and order the licensee to pay the cost of such marking.

Orders

23. The Minister may make such orders as he may deem necessary for the interpretation and effective administration of these regulations, and failure on the part of the licensee to comply with any such order shall render the licence subject to cancellation in the discretion of the Minister.

24. All sales of timber made in accordance with these regulations shall be subject to the provisions of the Act.

25. Every licensee when required by the Director shall comply with the laws and regulations in force in the province in which he is operating under the licence, and compliance with the provisions of such provincial statutes and regulations regarding disposal of slash, prevention of fire hazard and the general conduct of the timber operation may be accepted by the Director as satisfactory in so far as applicable to any particular timber operation.

Seizure

26. (1) The superintendent may seize and detain any timber and any product manufactured from timber, when he has reasonable grounds to believe that

- (a) such timber or the timber from which such product was manufactured has not been measured or counted by a scaler as required by these regulations; or
- (b) any charges in respect of such timber or on the timber from which such product was manufactured or in respect of the lands on which such timber was cut are in default; or
- (c) such timber or the timber from which such product was manufactured was not cut under the authority of a licence or permit.

(2) Any timber or product that is seized under subsection (1) may be removed to such place as the superintendent may deem proper for the protection of the timber or product, and if it is seized when in possession of a carrier it shall be removed by the carrier on behalf of the Director to such place as the superintendent may direct, provided that

- (a) the Department may defray the costs of transportation and other charges incurred in consequence of the directions given by the superintendent; all such costs shall be included in the costs of seizure; and
- (b) such seizure shall not prejudice or affect any lien to which the carrier may be entitled in respect of the timber or product to the time of such seizure.

Indian Act—continued

(3) Where timber within the meaning of this section has been made up with other timber into a crib, dam or raft, or in any other manner has been so mixed at a mill or elsewhere, as to render it impossible or difficult to distinguish such timber from other timber with which it is mixed, the whole of the timber so mixed may be seized and detained until separated by the person claiming to be the owner thereof to the satisfaction of the superintendent.

27. Seizure of timber or any product therefrom may be made by posting beside the timber or product a notice stating that the timber or product has been seized.

28. Where timber or any product manufactured therefrom has been seized and no claim to recover it is made within thirty days from the date of the seizure, such timber or product shall be deemed to be forfeited to and shall become the property of the Crown and may be dealt with in such manner as may be ordered by the Director.

Proceedings Following Seizure

29. (1) Any person claiming to be the owner of timber or any product manufactured therefrom that has been seized under these regulations, upon at least four days' notice to the Director may apply to a judge of the county or district court of the county or district in which such timber or product is held under seizure for an order for its release from seizure and its delivery to him.

(2) Upon receipt of a bond of the claimant, with two good and sufficient sureties in an amount not less than the market value of the timber or product and the costs of the seizure, to be forfeited to the Crown if the claimant is declared by the judge not to be the owner of the timber or product, the judge may order the timber or product to be released from seizure and to be delivered to the claimant.

(3) Upon the application of the Director or the claimant, and upon at least seven days' notice, the judge shall determine the ownership of the timber or product whether or not it has been released and delivered to the claimant under subsection (2) and shall make an order,

- (a) declaring the claimant to be the owner
 - (i) free of any claim for charges; or
 - (ii) subject to payment of such dues, charges and expenses as he may find to be owing; or
- (b) declaring the claimant not to be the owner and the bond, if any, forfeited to the Crown.

(4) The judge shall make such order as he may consider proper as to the costs of proceedings under this section and the costs of seizure.

(5) If the claimant is declared not to be the owner of the timber or product, it shall be disposed of in such manner as the Director may determine.

Penalties

30. Every person who

- (a) commences cutting operations without a licence or permit or who carries on any cutting operations beyond the limits of the area of such licence or permit, is liable to a penalty of not less than twice and not more than five times the amount of the dues on the timber so cut;

Indian Act—continued

- (b) except under a licence, cuts or employs or induces or assists any other person to cut timber, or removes or employs or induces or assists any other person to remove timber, is liable to a penalty of not less than twice and not more than five times the amount of the dues on the timber in respect of which such contravention occurred;
- (c) interferes with any superintendent who seizes timber, is liable to a penalty not exceeding \$100 or imprisonment for a term of three months or both fine and imprisonment;
- (d) removes or attempts to remove or interferes or attempts to interfere with any timber or any product manufactured therefrom after it has been seized, shall be liable to a penalty not exceeding \$100 or imprisonment for a term of three months or both fine and imprisonment; or
- (e) makes or avails himself of any false statement or oath with respect to any matter under these regulations, is liable to a penalty not exceeding \$100 or imprisonment for a term of three months or both fine and imprisonment.

6. Indian Oil and Natural Gas Regulations

P.C. 1954-2060

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration and pursuant to section 57 of the Indian Act, is pleased to order as follows:

1. The Regulations respecting petroleum and natural gas on Indian reserves and Indian lands, established by Order in Council P.C. 4509 of 5th October, 1948, as amended, are hereby revoked; and

2. The annexed "Regulations for the disposal of oil and natural gas within Indian reserves and other lands under the administration of the Superintendent General of Indian Affairs" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE DISPOSAL OF OIL AND NATURAL GAS WITHIN
INDIAN RESERVES AND OTHER LANDS UNDER THE ADMINISTRATION
OF THE SUPERINTENDENT GENERAL OF INDIAN AFFAIRS

Short Title

1. These regulations may be cited as the *Indian Oil and Natural Gas Regulations*.

Indian Act—continued

Interpretation

2. In these regulations,

- (a) “allowable production” means the quantity of petroleum and natural gas that may, under these regulations, be produced from a well in a period of twenty-four hours;
- (b) “Branch” means the Indian Affairs Branch of the Department;
- (c) “Department” means the Department of Citizenship and Immigration;
- (d) “Director” means the Director of the Indian Affairs Branch of the Department;
- (e) “gas” means all natural gas both before and after it has been subjected to any treatment or process by absorption, purification, scrubbing or otherwise, and includes all other fluid hydrocarbons not defined as oil;
- (f) “group” means two or more locations consolidated under these regulations;
- (g) “lessee” means the holder of a petroleum lease in good standing;
- (h) “location” means the tract of land described in a petroleum lease;
- (i) “Minister” means the Minister of Citizenship and Immigration;
- (j) “oil” means crude petroleum oil and all other hydrocarbons regardless of gravity which are produced at the well in liquid form by ordinary production methods;
- (k) “permittee” means any person holding a permit issued under these regulations;

and other terms and expressions used in these regulations have the meaning ascribed to them in the Act.

Application

3. These regulations apply to Indian Reserves in which the oil and natural gas rights have been released or surrendered to the Crown pursuant to the provisions of the Indian Act, and to other lands that are under the administration, control and management of the Minister as Superintendent General of Indian Affairs.

Permits

4. The Director may invite tenders by public advertisement or by such other method as he may deem advisable, for a permit to explore for oil and gas in a specified area and may issue a permit to the highest tenderer in accordance with the invitation.

5. The Minister may decide the size of the area that will be offered for permit, but every such area shall be not less than 2,560 acres when that acreage is available.

6. The Minister may order a permittee to file a plan of survey approved by the Surveyor General, showing the boundaries of the area included in his permit.

Indian Act—*continued**Term of Permit*

7. (1) The term of a permit shall be one year, but may be extended
- (a) initially for one further year, and
 - (b) thereafter for further periods not exceeding one year each on such terms as the Minister may deem advisable,

where, in the opinion of the Minister, the permittee has complied with the terms of the permit and has diligently proceeded with prospecting operations, and the application or extension is received during the term of the permit or any extension thereof.

- (2) A permittee may relinquish his permit at any time.

Assignments

8. (1) A permit shall not be assigned without the written consent of the Director.

(2) An assignment shall transfer all rights granted to the permittee by the permit and shall be unconditional.

Rent

9. The rental for a permit is at the rate of twenty cents an acre per annum; for the first extension, thirty cents an acre, and for all further extensions at the rate of seven cents an acre a month for the term granted; all rentals are payable in advance.

Prospecting Operations

10. Before prospecting operations on the area described in the permit shall be commenced, the permittee shall submit to the Director a statement containing detailed information as to the character of the operations to be conducted, including a description of the methods to be employed in collecting required geological information, the method by which such information is to be conveyed to the Director, and the uses, purposes and disposal of any cores which may be obtained, together with particulars of the personnel to be employed, the date upon which the prospecting operations are to be commenced, and the approximate date upon which they are to be completed.

11. The permittee shall commence prospecting operations within ninety days of the issue of the permit and thereafter diligently prosecute such operations to the satisfaction of the Minister, and if he fails to do so the Minister may terminate the permit on giving thirty days' notice in writing to the permittee of his intention so to do.

Reports

12. A permittee shall have the right of entry on the land held under permit but shall be responsible for any damage arising from prospecting operations.

13. Where in the course of drilling, potable waters are discovered, such waters shall be controlled and the Minister may take over such boring and utilize such waters free of charge; the permittee shall, however, have the use of such waters as may be required by him in connection with the exercise of the rights granted by the permit.

Indian Act—continued

14. (1) The permittee shall from time to time, as prospecting and drilling operations proceed, furnish the Director in the manner required by him with all geological and other data and reports obtained as a result of such prospecting and drilling, also with the logs of the several wells drilled, the conditions ascertained, and the results obtained.

(2) Prior to the termination of the permit, the permittee shall submit under affidavit to the Director a full and detailed statement of the geological examination, prospecting or drilling operations conducted on the area during the term of the permit and the several items of expenditure so incurred, and the specific purpose for which each such item was expended.

Leases

15. A permittee who has complied with the terms of the permit shall, upon application accompanied by payment of rental for the first year, be granted a lease or leases for such area or areas as he may select, but such area or areas shall not exceed fifty per cent of his permit area.

16. The Director, may invite tenders by public advertisement or by such other method as he may deem advisable, for a lease of the oil and gas rights which are available in an area, and may issue a lease to the highest tenderer in accordance with the invitation.

17. No lease shall be granted for a location in excess of 2,560 acres or, except with the consent of the Minister, for a location of less than one hundred and sixty acres.

18. A location granted pursuant to section 15 shall consist of sections, legal subdivisions or lots and aliquot parts of lots according to the subdivision or to projected sections, legal subdivisions or lots if in an unsubdivided area, but the several parcels as grouped to comprise the tract shall be one rectangular block the length of which shall not exceed four times its breadth.

19. As soon as the subdivision survey of a reserve has been approved, all oil and gas leases embracing any portion of such reserve so surveyed and approved, shall be made to conform to the subdivision of the reserve, when the Minister so decides, by the substitution of new leases describing by sections, legal subdivisions of sections or regular portions of lots, as nearly as may be, the tracts embraced in the leaseholds, insofar as the reserve so surveyed is concerned; where any part of a leasehold is in territory which remains unsubdivided it shall continue to be described as in the lease originally issued until such portion is included in an approved survey.

20. Where, for any reason, it is considered necessary or advisable to have a survey made of any location applied for or leased under these regulations, the Minister may direct that such survey be made by a duly qualified land surveyor under proper instructions, and may require payment in advance of the costs of such survey to be made by the applicant for, or the recorded owner of, the location or locations to be surveyed in whole or in part; or the Minister may require such portion of the payment of the costs as to him may seem just; failure on the part of the applicant or lessee to make such payment in advance, when called upon to do so by the proper officer of the Department shall render the application or lease subject to immediate cancellation in the discretion of the Minister.

Indian Act—continued*Term of Lease*

21. The term of a lease shall be twenty-one years, but it may be renewed for a further term of twenty-one years, subject to the following conditions:

- (a) that the lessee has complied to the satisfaction of the Minister with the terms of the lease and with the provisions of the regulations in force from time to time during the currency of the lease; and
- (b) that the renewal will be granted on the terms and conditions provided for in the regulations in force at the time of renewal.

Rental Under Lease

22. (1) The rental under a petroleum lease shall be one dollar an acre a year, payable yearly in advance, with a minimum annual rental of \$100; all rentals in arrears shall bear interest at the rate of five per centum per annum.

(2) At the time of the application for a lease or leases pursuant to section 15 and upon receipt of evidence satisfactory to the Director that the permittee has incurred, during the term of his permit, expenditures in actual core drilling, or other operations on the area for purposes of structural discovery, exclusive of the cost of the machinery and casing employed and all other extraneous expenses, a credit, to be applied only on the prescribed rental due for the first year under the lease or leases, may be granted the permittee for such portion of the confirmed expenditure so incurred as the Minister may consider advisable, but such credit shall not in any case exceed eighty per centum of the rental due for the first year under the lease or leases.

23. Where during the term of the lease the lessee fails to pay rental in advance for each subsequent year within thirty days after the date on which it became due, together with interest thereon, whether demanded or not, the lease shall be subject to cancellation in the discretion of the Minister without notice to the lessee.

Payment of Taxes

24. The lessee shall pay and discharge all rates, assessments and taxes, properly imposed by any provincial, municipal, improvement, school, irrigation or drainage district, now charged or hereafter to be charged upon the demised premises, as occupant, or upon the lessee or occupant in respect thereof, or payable by either in respect thereof.

Substances included in Lease

25. A lease shall in all cases include only the right to the oil, gas and associated substances produced therewith, the property of the Crown in the area leased, which may be obtained by the usual drilling and production practices, but shall not include

- (a) oil shale or bituminous sands;
- (b) the oil which may be recovered from such shales or sands by the process of extraction customary in such operations; or
- (c) helium.

Indian Act—continued*Surface Lease*

26. The lessee may on application be granted a surface lease of whatever area of the available area the Minister may consider necessary for the working of the location, the annual rental therefor to be at a rate to be agreed upon by the Minister and the lessee, but in no case shall the rate be less than twenty dollars an acre nor the rental less than sixty dollars per annum, such surface lease to be concurrent with the oil and gas lease.

Permission to Enter on Leased Land

27. Where the surface rights of an oil and gas location are covered by a timber licence, grazing or coal mining lease, mining claim or other form of terminable grant, the lease shall not authorize entry thereon without the permission of the Minister being first had and obtained, and such permission shall be given subject to such conditions for the protection of the rights of such licensee or lessee as the Minister may deem necessary to impose.

Inspection

28. The Director or any officer duly authorized by him may at all times enter upon the location or group of locations and have access to all wells, records, plant and equipment, and the lessee shall render such assistance as may be necessary, and such officer is empowered to take samples, particulars and make such tests and examinations as he may consider necessary.

Assignments

29. (1) A lessee shall not assign, transfer, sublet or part with the possession of the rights described in his lease or any part thereof, without the consent in writing of the Minister being first had and obtained.

(2) Every assignment made with the consent of the Minister shall be unconditional.

(3) No lease shall be granted to, nor shall any assignment be accepted from or in favour of, any person indebted for rent or royalty or who is otherwise in default under any permit or lease issued to him.

30. No company shall acquire a permit or lease under these regulations unless it is incorporated, registered or licensed in Canada.

Surrender or Termination of Lease

31. The lessee may be permitted to relinquish at any time the whole or any portion of the location described in his lease, provided that he has complied with the provisions of the regulations to the satisfaction of the Minister and that all payments on account of rental to the date of such relinquishment or other liability to the Indian Affairs Branch due in connection with the lease, have been fully made and satisfied, and provided that the portion of the location which may be retained shall be of the prescribed shape and not less than 160 acres, but in such event the lessee shall not be entitled to repayment of any portion of the rentals paid in advance.

32. Where it is not established to the satisfaction of the Minister that petroleum or gas in paying quantity has been discovered on the leasehold, the lease shall be subject to termination upon one year's notice in writing being given to the lessee by the Minister or Director.

Indian Act—continued*Royalty*

33. (1) The royalty to be computed, levied and collected on all products, other than gas, for which provision is made in subsections (2) and (3), obtained by separation from every location acquired under the provisions of these regulations, shall from each well on the location be according to the following schedule of production per calendar month:—

<i>Monthly production in barrels of 35 Imperial gallons</i>	<i>Crown royalty for the month</i>
up to 1000 barrels.....	10% of production
from 1000 to 1800 barrels.....	12½% of production
over 1800 barrels.....	15% of production

(2) The royalty to be computed, levied and collected on all products obtained through absorption plants or other process of a similar nature and not by gravity from every location shall from each well on the location be fifteen per centum of the amount received by the lessee or grantee for such products; provided that where the lessee or grantee is also the operator of the absorption plant the royalty to be computed, levied and collected shall be fifteen per centum of the amount which would be paid to the lessee or grantee if the lessee or grantee and the operator of the absorption plant were not one and the same person.

(3) The royalty to be computed, levied and collected on gas obtained from every location, consumed for some useful purpose off the location or sold shall be fifteen per centum of the selling price or fair value at the time and place of production; provided that for the purposes of this subsection each sub-lease shall be deemed to be a location; provided, further, that in no event shall the royalty to be computed, levied and collected as herein provided be less than one-quarter of one cent per thousand cubic feet.

Notice of Intention to Drill

34. The lessee shall before beginning drilling operations on a location acquired under these regulations notify the Director in writing of his intention to begin such operation; the lessee shall not begin drilling operations on any location until he has received in writing the approval of the Director, and no change in the programme outlined in the notice of intention to begin operations shall be made without submitting notice of the change of plans to the Director and receiving approval of such change.

Drilling

35. The lessee shall commence drilling operations with suitable machinery and equipment capable of adequately testing the location within one year of the date of his lease, or within such further time as the Minister may in writing approve, and he shall continue such drilling operations with reasonable diligence to the satisfaction of the Minister with a view to the discovery of petroleum or gas; if the lessee does not commence drilling operations within the time prescribed, or if having commenced such operations he does not prosecute the same with reasonable diligence, to the satisfaction of the Minister, or if he ceases to carry on the same for a period of more than three months, the lease shall be subject to cancellation in the discretion of the Minister upon thirty days' notice to this effect being given to the lessee.

Indian Act—continued

36. (1) No well shall be drilled within 300 feet of any road allowance, surveyed road, railway right of way, dwelling, school or church, without the written consent of the Director.

(2) No well shall be drilled within 300 feet of the boundary of any location without the written consent of the Director.

37. The lessee shall make adequate provision for the control and conservation of petroleum and gas before any well is drilled into a potentially productive stratum.

Grouping

38. (1) The Minister may permit a lessee who has acquired by assignment or otherwise more than one petroleum and gas lease, where the locations are contiguous and on the same oil structure, to consolidate his operations and expenditures on one or more of the locations upon such terms and conditions as the Minister may deem advisable.

(2) The total area which may be consolidated under these regulations shall be at the discretion of the Minister.

39.(1) In the event of the lessee obtaining production of petroleum or gas on a location or locations within a group he shall continue to drill such further well or wells thereon, as the Minister may in his discretion determine, and may be required to produce therefrom so long as the said location or group of locations shall continue to yield petroleum or gas in remunerative quantity.

(2) The Minister may in his discretion limit the number and define the distance apart of wells on a location or locations within a group as he may consider desirable.

Reports and Plans

40. The lessee shall keep a daily report of operations and such report shall be made in duplicate, one copy being at all times retained at the well and open to inspection by any duly authorized officer of the Department; the original reports shall be counter-signed by the lessee and forwarded to the Director at the end of every week during the course of operations.

41. At the end of each year of the lease, or whenever so required by the Minister, the lessee shall furnish a statement supported by affidavit, showing the number of days during the year that operations were carried on upon the location; the number of men employed in such operations; the character of the work done; the depth attained in each drilling operation; the total expenditure incurred; a detailed statement setting out fully the purpose for which such expenditure was incurred; the quantity of petroleum and gas or either obtained and the amount realized from the sale thereof; failure to furnish such yearly return within a period of ninety days shall render the lease subject to cancellation.

42. The lessee shall furnish to the Director at least once a year a plan in duplicate showing the position of all wells, pipe lines, tanks, buildings or other structures on the location under lease, and such plan shall be prepared on a scale of not less than 200 feet to the inch.

Indian Act—continued*Cores*

43. (1) The lessee shall cause to be preserved and maintained a series of samples of the formations penetrated by the drill in each drilling operation; such samples shall be taken from successive depths of ten feet or at such intervals as may be prescribed by the Director and shall be washed, dried, accurately labelled, and forwarded as requested to the Director.

(2) When drilling methods resulting in the recovery of cores are employed the lessee shall cause samples to be taken from the cuttings carried up by the flush water from successive intervals of ten feet in depth or at such intervals as may be prescribed by the Director; the lessee shall also keep and preserve in properly constructed and marked core boxes all cores recovered and such cores shall be available for inspection and examination by any duly authorized officer of the Department.

(3) When cores are taken from the core barrel they shall be released into the core box and shall be protected from theft or misplacement by being housed in a suitable building and under lock and key, and no final disposition shall be made of such cores except with the written permission of a duly authorized officer of the Department; when the breaking up of cores for detailed geological examination is permitted the lessee shall furnish to such officer an accurate report of such examination.

Tests

44. (1) The lessee shall, during the drilling of a well, make or cause to be made tests for the purpose of ascertaining to what extent, if any, the well deviates from the vertical, and shall set forth the results of such test or survey in writing on the daily drilling report; should it be ascertained that the well has deviated more than four degrees from the vertical the lessee shall take steps to correct such deviation.

(2) When the drilling has reached the horizon from which it is expected to obtain production the lessee shall make or cause to be made a survey for the purpose of ascertaining the depth and position of the bottom of the well in relation to the top of the well.

(3) Where such survey shows that the position of the bottom of the well projected to the surface is nearer to the boundary of the lease upon which the well is drilled than a distance equivalent to one-half of the total distance from the top of the well to the nearest boundary, the well shall not be completed and shall not be brought into production, and the Minister may require the lessee to redrill the well in such manner as he may prescribe, and the lessee shall cause the well to be so redrilled without delay.

Notice of Discovery

45. When during operations on a petroleum and gas location acquired under these regulations petroleum or gas or both be discovered, the lessee shall forthwith notify the Director thereof.

Water

46. When during drilling or production operations water makes its appearance in a well or any indication appears that may reasonably be taken as evidence of change in the source or other condition of water already notified as having appeared in a well, the lessee shall immediately

Indian Act—continued

notify the Director and furnish him with the fullest details available and, when the drilling system permits, shall take and preserve in a clean and enclosed glass or earthenware vessel a quantity of not less than one gallon of such water to be placed at the disposal of the Director for analysis, and shall when so directed afford any duly authorized officer such facilities as may be necessary for sampling the water in or at the well.

47. (1) The lessee of a location upon which a well has been or is being drilled shall use every means and endeavour in accordance with approved practice to shut off water above or below the petroleum or gas-bearing stratum or strata, to test the efficiency of such shut-off and to prevent water from penetrating the petroleum or gas-bearing strata.

(2) The lessee shall give to a duly authorized officer reasonable notice of the time he intends to test the shut-off of water in a well on any location; the officer shall be present at such test and shall report the result in writing, a copy of which report shall be sent to the lessee; if the test should be unsatisfactory he shall so notify the lessee, and shall within five days after the completion of the test order such additional work as he deems necessary to shut off the water in the well, and in such order he shall designate a day upon which the lessee shall again test the well which day may upon the application of the lessee be changed from time to time in the discretion of the Director.

48. Where it appears to the Director that water is penetrating any petroleum or gas-bearing stratum penetrated in a well drilled on a location acquired under these regulations, or that water in such a well is likely to become injurious to the economic production of oil or gas from the structure upon which such well is drilled, he may order a test of water shut-off and designate a day upon which it shall be made; such order shall be in writing and shall be served upon the lessee at least five days prior to the day designated in the order upon which the test of the said shut-off shall be made; upon receipt of such order the lessee shall make the tests in the manner and at the time specified.

Consent to Shooting

49. (1) The lessee of a petroleum and gas location shall not allow the use of explosive or acid in a well drilled on a location acquired under these regulations until the consent of the Director in writing has been obtained; such shooting or use of acid shall be so conducted as to prevent damage to the well or to the petroleum or gas-bearing formations penetrated by the well; the lessee shall submit to the Director a report of the result of such shooting or treatment by acid.

(2) Subsection (1) applies to the use of explosive or acid in or at a borehole regardless of the quantity of explosive or acid used or the purpose for which it is used.

Gas

50. The lessee shall confine gas to its original stratum wherever such gas is struck in commercial quantity, or a gas-bearing stratum known to contain gas in quantity is penetrated in a well until such time as the gas can be produced and utilized without waste.

51. (1) The lessee of a petroleum and gas location shall, at such times and such manner as the Director may order, take a gauge of the volume and rock pressure of all wells producing gas on the location and shall forward the report of such test to the Director.

Indian Act—continued

(2) The surface equipment of every gas well shall include such fittings as will enable a duly authorized officer of the Department to test the rock pressure or working pressure of a gas well at any time.

52. When gas from any well is being produced the flow thereof shall be restricted to twenty-five per centum of the potential capacity as computed from the test made in accordance with section 51, and the Director may in his discretion allow such additional proportion to be produced as he may deem expedient.

53. (1) Every well producing gas shall be equipped with an approved gas meter and all production drawn from such well shall be measured by meter; the meter shall be at or near the well and any by-pass around such meter shall be closed by a blank disc inserted in the same manner as an orifice plate, which may be sealed by a duly authorized officer of the Department and unsealed only in an emergency or to repair the meter; notice of such unsealing shall be furnished to the Director prior to or immediately following the unsealing, and as soon as repairs are effected the by-pass shall again be closed and sealed.

(2) Every well meter shall be properly housed and locked and any duly authorized officer of the Department shall have access to it at all times, and shall make such tests as he may consider necessary.

(3) The lessee shall furnish to the Director at the end of each month a statement showing the amount of gas produced each day through the meter.

(4) The Minister may allow wells to be grouped for the purpose of measuring the gas.

Natural Gasoline

54. (1) When gas from any well contains natural gasoline such natural gasoline shall be subject to the same regulations as are applied to petroleum within the meaning of these regulations.

(2) When gas from any well is produced with petroleum or water such gas shall be efficiently separated from the petroleum, natural gasoline or water; the method of separation as well as the type and size of the equipment used in separation shall be subject to the approval of the Director.

(3) The content of gasoline of any casing-head gas shall be determined by such method and in such manner as the Director may order.

(4) The Director may order that a test be made of the content of gasoline of any gas and where in his opinion natural gasoline is present in paying quantity he may require that such natural gasoline shall be separated, conserved and utilized as provided in these regulations.

Production Reports

55. Where petroleum or gas is being produced from any well or wells, the lessee shall file with the Director on forms obtainable for this purpose, not later than the fifteenth day of each month, a full report of the petroleum or gas produced during the preceding month.

Conservation

56. The lessee shall use every possible precaution in accordance with approved practice to stop and prevent waste of petroleum or gas during drilling and producing operations.

Indian Act—continued

57. The Minister may prohibit the use of petroleum or gas from any well drilled on a location acquired under these regulations for any purpose or by any means he considers to be uneconomical or conducive to waste.

58. The Minister may, whenever he may deem it necessary or expedient, determine the allowable production of any well or wells and regulate the taking of petroleum or gas from any natural source of supply so as to prevent waste or the reduction of the ultimate recovery of any petroleum or gas from any common reservoir.

59. The Minister may

- (a) assume control of the operation of a well and adopt such means as may appear to him to be necessary or expedient to prevent the escape of petroleum or gas if the lessee fails to do so or appears unable to do so;
- (b) assume control of the operation of a well and adopt such means as may appear to him to be necessary or expedient to prevent the access of water to a well, the access of water to petroleum or gas-bearing strata or both, or the escape of water from the well;
- (c) appoint such agents as he deems necessary and authorize them to enter upon the premises and perform the work, and for that purpose to take possession of and use any drilling rig, derrick, tools, machinery, other appliances or equipment, fuel, water and other materials necessary for the performance of the work, which may be upon the location or which may be the property of the lessee; and
- (d) recover from the lessee of the location upon which he takes control of a well for the reasons stated in paragraph (a) or (b) all costs and expenses incurred in the performance of the operations so undertaken.

60. Notice shall be given to the Director immediately drilling or production operations are suspended at any well; before suspension the wellhead shall be so arranged that no waste of gas or petroleum can occur and that no opportunity be afforded for the access of water to or between the casings.

61. The lessee shall not deepen nor undertake the repair or other permanent change to the condition of a well in which drilling has been suspended for a period of more than six months or which has been in production, without previously notifying the Director in writing to that effect.

62. Where approval has been granted to drill a well on any location beneath which a bed or seam of coal is being worked or in respect of which operations have been started for the working of the coal, the lessee shall conform to all requirements that may be prescribed by the Minister respecting the drilling, casing, cementing or producing, and otherwise to prevent the escape of gas, petroleum or water into the coal seams or into any mine workings that may be undertaken in connection therewith.

Safety Precautions

63. (1) The lessee shall clear all combustible material from the area around any well or other works constructed or operated by him to the

Indian Act concluded

satisfaction of the Minister and, where necessary and practicable, the lessee shall construct and maintain a ploughed fireguard around such area.

(2) The permittee or lessee shall so safeguard all fires that no hazard to surrounding property shall arise.

Abandonment of Well

64. Before abandoning a well drilled on a location, and before removing any part of the casing from a well the lessee shall notify the Director in writing of his intention so to do, and shall furnish a log of the well if he has not already done so, and shall obtain written approval of such abandonment and removal of casing from such officer as the Director may designate; the lessee shall use every effort in accordance with approved practice to shut-off and exclude all water from entering the gas, petroleum or coal-bearing strata that may have been penetrated by the well.

Cancellation of Lease

65. Violation of any provision of these regulations shall render the lease or leases involved subject to cancellation at the discretion of the Minister.

Orders

66. The Minister may, from time to time, make such orders as may appear to be necessary or expedient governing the manner in which drilling operations shall be conducted, and the manner in which producing wells shall be operated, and such orders as he may deem necessary for the effective administration of these regulations; failure on the part of the lessee to comply with any such order shall render the lease subject to cancellation at the discretion of the Minister.

67. The Minister may direct that the lessee shall comply with any or all of the provisions of any provincial law, and with any orders or regulations made or established from time to time thereunder, relating to the prospecting for, development, recovery and conservation of petroleum and gas.

Schedule of Fees

Grant of a permit or lease	\$20.00
Each extension of a permit or renewal of a lease	\$20.00
Recording each assignment of a lease	\$10.00

INDUSTRIAL DESIGN AND UNION LABEL ACT.

(R.S.C., 1952, c. 150)

Industrial Designs Rules

P.C. 1954-1853

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Secretary of State and pursuant to the Industrial Design and Union Label Act, is pleased to order as follows:

1. The Industrial Designs Rules, established by Order in Council P.C. 5176 of 10th November, 1948, are hereby revoked; and
2. The annexed "Industrial Designs Rules" are hereby approved and established in substitution for the Rules hereby revoked.

THE INDUSTRIAL DESIGNS RULES

1. These rules may be cited as the *Industrial Designs Rules*.
2. An application to register an industrial design shall be in duplicate in Form A, and shall be signed by the applicant or his agent duly authorized in writing.
3. (1) Applications shall be prosecuted by correspondence and shall be addressed to "The Commissioner of Patents, Ottawa, Canada."
(2) Unless required by the Commissioner of Patents, the personal attendance of an applicant or his agent at the Patent and Copyright Office is not necessary and, in any event, no regard shall be had to any oral representation or statement not confirmed by letter.
4. Correspondence on the subject of an application, except correspondence concerning assignments or other documents of title,
(a) shall relate to that application only, and
(b) shall be conducted only by the applicant or his agent.
5. Every correspondent shall give his full Post Office address in all correspondence with the Commissioner.
6. (1) Any document, other than a drawing relating to an industrial design, shall be clearly and legibly typewritten or printed on sheets of white paper of a quality that is satisfactory to the Commissioner, 8 inches wide and 13 inches long, with a clear margin of 1 inch on the left-hand side.
(2) One of the copies of a typewritten document submitted to the Commissioner shall be the ribbon copy.

Industrial Design and Union Label Act—continued

7. (1) All drawings deposited shall be on sheets of good quality white paper or tracing cloth that is 8 inches wide and 13 inches long, and shall be made with clear, permanent black lines.

(2) All views shall be clearly drawn in black lines on a sufficiently large scale to be easily read.

(3) Any letter or word in a view that has not been disclaimed in the description shall be in stippled or broken lines.

(4) Neither the title of the industrial design nor any descriptive matter or name shall appear on any part of a drawing sheet, but each sheet may bear in the lower right-hand corner the signature of the proprietor or his agent.

(5) For the purposes of the Classification of Industrial Designs maintained by the Patent and Copyright Office, the applicant for registration of an industrial design shall forward to the Commissioner of Patents a drawing thereof in addition to the two required by section 4 of the Industrial Design and Union Label Act.

8. (1) An assignment presented for registration against an application for registration of an industrial design or against a registered industrial design shall be the original document or a typed or printed copy thereof certified to be a true copy before a notary public or by the proper officer of a public office in which the original document was recorded.

(2) If an assignment is accompanied by a duplicate or a notarially certified copy thereof, the duplicate or copy shall be returned by the Commissioner with a certificate of registration, but if an assignment is not so accompanied the Commissioner shall notify the person who presented it for registration of the number and date under which and of the application or registered industrial design against which it has been registered.

9. (1) An application shall not be treated as entitled to the right accorded by section 29 of the Industrial Design and Union Label Act, unless while the application is pending the applicant

- (a) requests that the application be so treated, and
- (b) informs the Commissioner of the filing date and number in the foreign country of the application on which his request is based.

(2) The Commissioner of Patents

- (a) may require an applicant who has requested that his application be treated as entitled to the right accorded by section 29 of the Industrial Design and Union Label Act
 - (i) to file a certified copy of the application on which the request is based, and
 - (ii) to file a certificate from the Patent Office in which the application was filed showing the date of its filing therein; and
- (b) may refuse to treat the application as entitled to the right accorded by section 29 aforesaid until the certified copy and certificate mentioned in this rule have been filed.

10. The Commissioner may acknowledge enquiries but he is not required to furnish applicants or others with any information that would require a search of the public records of the Patent and Copyright Office or with any advice on matters concerning the interpretation of the Act or these rules or concerning any other question of law.

Industrial Design and Union Label Act—concluded

11. (1) A design shall be deemed to be used as a model or pattern to be multiplied by any industrial process within the meaning of section 46 of the Copyright Act,

- (a) where the design is reproduced or is intended to be reproduced in more than 50 single articles, unless all the articles in which the design is reproduced or is intended to be reproduced together form only a single set as defined in this rule; and
- (b) where the design is to be applied to
 - (i) printed paper hangings,
 - (ii) carpets, floor cloths, or oil cloths manufactured or sold in lengths or pieces,
 - (iii) textile piece goods, or textile goods manufactured or sold in lengths or pieces, and
 - (iv) lace, not made by hand.

(2) For the purposes of this rule, "set" means a number of articles of the same general character ordinarily on sale together, or intended to be used together, all bearing the same design with or without modification not sufficient to alter the character or not substantially affecting the identity thereof.

(3) Where there is any doubt whether given articles do or do not constitute a set, the doubt shall be determined by the Commissioner of Patents.

**INDUSTRIAL RELATIONS AND DISPUTES INVESTIGATION ACT.
(R.S.C., 1952, c. 152)**

**Industrial Relations and Disputes Investigation Regulations—Rules of
Procedure, Canada Labour Relations Board**

P.C. 1954-1727

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the powers conferred by the Industrial Relations and Disputes Investigation Act, is pleased, hereby, to revoke Order in Council P.C. 4682 of 22nd October, 1948, as amended, which established the Industrial Relations and Disputes Investigation Regulations and the Rules of Procedure of the Canada Labour Relations Board, and, in substitution therefor, to make the "Industrial Relations and Disputes Investigation Regulations" annexed as Schedule I hereto, and to approve the "Rules of Procedure of the Canada Labour Relations Board" annexed as Schedule II hereto.

Industrial Relations and Disputes Investigation Act—continued**Schedule I****THE INDUSTRIAL RELATIONS AND DISPUTES INVESTIGATION REGULATIONS**

1. These regulations may be cited as the *Industrial Relations and Disputes Investigation Regulations*.

2. In these regulations,

- (a) “Act” means the Industrial Relations and Disputes Investigation Act;
- (b) “Minister” means the Minister of Labour and includes the Deputy Minister of Labour; and
- (c) “party” includes a person, corporation, trade union, bargaining agent, employee, employers’ organization or employer.

3. Any notice, request or complaint that may be given or made to the Minister by any party under the Act may be given or made to the Director of Industrial Relations, Department of Labour, Ottawa, Ontario, for the Minister, and may be given or sent by mail or may be left with the Director for the Minister.

4. (1) Where, under the Act or these regulations, any notice or report is required or authorized to be given or sent by the Minister or a Conciliation Board or an Industrial Inquiry Commission to any party, the notice or report may be given or sent by mail addressed to that party at his place of business or usual abode or may be personally served upon or given to that party or in his absence may be left for that party with any person at his place of business or at his usual place of abode.

(2) Any notice or request authorized or required to be given or sent by the Minister to any party pursuant to the Act giving effect to or giving notice of any direction or decision of the Minister may be given or sent for him by the Director of Industrial Relations, Department of Labour, Ottawa, Ontario.

5. Service of any writ issued by the Canada Labour Relations Board or a Conciliation Board or an Industrial Inquiry Commission requiring any person to appear before the Canada Labour Relations Board, Conciliation Board or Industrial Inquiry Commission, as the case may be, to give evidence or to give evidence and to bring with him any documents in his possession or under his control, may be effected by personal service on the person to whom it is directed.

6. Any summons, warrant or writ to compel the attendance of a witness or other person before a court, judge or magistrate pursuant to the Act and any notice of appeal from any decision made under the Act by a court, judge or magistrate may be served in the same manner as a like summons, warrant, writ or notice may be served under Summary Conviction proceedings of the Criminal Code.

7. In addition to the method of service authorized by section 6, service of any summons, warrant, writ or notice mentioned in section 6 upon a trade union or corporation may be effected by service of the same upon any officer in Canada of such trade union or corporation or by leaving it at the office of the trade union or corporation or at the last or most usual place of abode of any officer of the trade union or corporation with some inmate thereof apparently not under sixteen years of age.

Industrial Relations and Disputes Investigation Act—continued

Notice to commence collective bargaining

8. Where a notice to commence collective bargaining has been given by an employer or employers' organization or a bargaining agent to any other party pursuant to section 12 or 13 of the Act, it shall contain the following particulars:

- (a) it shall be signed by the party giving the notice or signed on his behalf in the manner prescribed by section 47 of the Act, and shall be addressed to the party to whom the notice is to be given;
- (b) it shall be dated and shall contain a request to the party to whom notice is given to commence collective bargaining with the party giving the notice with a view to the conclusion of a collective agreement between them or to the renewal or revision of any existing collective agreement between them, as the case may be; and
- (c) it shall designate a convenient time, within twenty days from the date of the giving of the notice, when, and a convenient place where, parties may meet and commence or cause authorized representatives on their behalf to meet and commence collective bargaining.

Request for the Appointment of a Conciliation Officer or Conciliation Board

9. Where a request is made to the Minister by a party to collective bargaining, pursuant to section 16 of the Act, to instruct a conciliation officer to assist the parties in collective bargaining or for the appointment of a Conciliation Board, the request shall be accompanied by a statement containing the following information:

- (a) the name and address of the party making the request and of the other party to the collective bargaining;
- (b) the date upon which notice was given under section 12 or 13 of the Act, as the case may be, to the other party to commence collective bargaining, together with a copy of the notice;
- (c) a copy of any existing collective agreement between the parties; and
- (d) a statement of the steps that have been taken and the progress that has been made in collective bargaining following the giving of the notice, and the difficulties that have been encountered in connection with the collective bargaining since the date of the giving of the notice.

Complaint Alleging Violation of a Provision of the Act

10. (1) Where any complaint is made to the Minister under section 43 or 44 of the Act alleging a violation of a provision of the Act, the complaint may be signed in the manner authorized by section 47 of the Act for the signing of a notice under the Act and shall be duly verified by affidavit or statutory declaration.

- (2) The complaint shall contain the following particulars:
 - (a) the name and address of the party making the complaint and of the party against whom the complaint is made;

Industrial Relations and Disputes Investigation Act—continued

- (b) a statement that the party making the complaint is aggrieved because of the alleged violation of the Act, with particulars setting out his interest in the complaint;
- (c) the provision or provisions of the Act that, it is alleged, have been violated, including a reference to the sections in the Act containing those provisions; and a concise statement of the facts and actions upon which the complainant relies as constituting a violation of the Act, including all relevant dates and names and addresses of persons who are, in the opinion of the complainant, in a position to give evidence to substantiate the complaint, and the nature of such evidence; and
- (d) the steps, if any, that have been taken by or on behalf of the complainant for the adjustment of the matters giving rise to the complaint.

(3) Upon receipt of a complaint, the Minister may request such further particulars of the complaint as he deems necessary from the party making the complaint and may as he deems advisable send forward a notice of the complaint and a copy of the complaint and of any particulars thereof made to and filed with him by the complainant to the party against whom the complaint is made, and may request that party to furnish to the Minister a reply to the complaint duly signed by that party and verified by affidavit or statutory declaration within seven days of receipt by that party of the notice or such further time as may be specified by the Minister.

Application to the Minister for Consent to Prosecute

11. (1) Where an application is made by any party to the Minister for consent to prosecute for an offence under the Act, the Minister may require the applicant to submit a written application in accordance with this section.

(2) The application may be signed on behalf of the party making the application in the same manner as is provided by section 47 for the signing of any notice under the Act by the applicant and shall be verified by affidavit or statutory declaration.

- (3) The application shall contain the following particulars:
 - (a) the name and address of the applicant and of the party whom it is desired to prosecute;
 - (b) the particulars and nature of the offence alleged to have been committed and the provisions of the Act that it is alleged have been violated, including a reference to the sections of the Act containing those provisions and including the date or dates upon which and the place or places where the offence or offences against the Act were committed or, if a continuing offence, the date upon which the offence commenced and the period of time during which it continued; and
 - (c) a concise statement of the facts and actions upon which the complainant relies as constituting the violation or violations of the Act in respect of which consent to prosecute is requested, including all relevant dates and names and addresses of persons who in the opinion of the applicant are in a position to give evidence to substantiate the complaint and the nature of such evidence.

Industrial Relations and Disputes Investigation Act—continued

(4) Upon receipt of an application for consent to prosecute, the Minister may request from the applicant any further particulars that he deems necessary to dispose of the application and may give notice of the application and a copy of the application and of any particulars furnished by the applicant in support thereof as he deems advisable, to the party whom the applicant desires to have prosecuted, and may request that party to file a reply to the application duly verified by affidavit or statutory declaration within seven days following the receipt of the request or such further period of time as the Minister may specify.

Schedule II

RULES OF PROCEDURE OF THE CANADA LABOUR RELATIONS BOARD

1. These rules may be cited as the *Rules of Procedure of the Canada Labour Relations Board*.

INTERPRETATION

2. In these rules,

- (a) "Act" means the Industrial Relations and Disputes Investigation Act;
- (b) "Board" means Canada Labour Relations Board;
- (c) "Chairman" means the Chairman of the Board and includes during the absence of the Chairman for any reason, the Vice-Chairman of the Board;
- (d) "Chief Executive Officer" means the Chief Executive Officer of the Board; and
- (e) "party" includes a person, corporation, trade union, employee, employer, or employers' organization.

3. (1) The forms prescribed by the Board from time to time for use in proceedings before it shall be used in such proceedings; copies of these forms may be obtained for use by any party from the Chief Executive Officer of the Board, Ottawa, Canada.

(2) Where by these rules notices are required to be given by the Board to any party or by any party to any other party or to the Board, the notices shall, unless otherwise in these rules provided, be in writing and may be filed or given or served by being sent by prepaid registered mail or by personal service; notices to be served upon or filed with the Board may be addressed to or served upon the Chief Executive Officer of the Board, Ottawa, Canada.

(3) Where by the Act or by these rules a notice is required to be given by the Board, it may be given by the Chief Executive Officer.

Quorum of the Board

4. (1) Three members of the Board including the Chairman and one member representative of employers and one member representative of employees constitute a quorum for the purpose of any hearing or decision of the Board or the transaction of other business of the Board.

(2) The decision of the majority of the members of the Board present and constituting a quorum of the Board is a decision of the Board, and, in the event of a tie, a Chairman has a casting vote.

Industrial Relations and Disputes Investigation Act—continued

(3) The Chief Executive Officer, with the concurrence of the Chairman, may set down any application or other matter pending before the Board for hearing by the Board and fix the time and place of the hearing, and shall do so in any case upon the request of the Chairman.

(4) Meetings of the Board shall be held as determined by the Board or at the call of the Chairman.

Enlarging or Abridging Time

5. (1) When the Board deems it advisable it may postpone or adjourn the hearing or consideration of any matter for such time and from time to time and upon such terms as it may deem fit; or in any matter or proceeding abridge or enlarge the time prescribed by these rules for doing any act, filing any document or instituting any proceedings before it.

(2) Where on the hearing of any application or other matter by the Board, the Board reserves or postpones decision thereon or on any issue in connection therewith, the Board may, at any subsequent meeting or meetings, make a decision disposing of the application, matter or issue, notwithstanding that the members of the Board at the subsequent meeting are not the same as the members of the Board who were present at the hearing.

Decisions of the Board

6. Evidence of all decisions of the Board shall be in the form of an order signed by the Chief Executive Officer.

Amendment of Proceedings

7. Any application or other document filed with the Board in connection with any proceeding under the Act may be amended at any time by leave of the Board upon such terms and conditions as the Board may prescribe.

Time for Filing Second Application

8. Where an application for certification has been refused by the Board, the Board shall not entertain any further application by the applicant for certification in respect of the same or substantially the same unit of employees until a period of six months has elapsed following the date of the decision, except by special leave of the Board where the Board is of opinion that the prior application was rejected on account of a technical error or omission in connection therewith.

9. (1) Subject to these rules, in any proceedings before it, the Board shall afford an opportunity to all interested parties either to present oral or written evidence or make oral or written representations on the matters at issue as the Board deems advisable in the circumstances.

(2) Where any question arises in any proceedings before the Board as to whether a party is an interested party therein the Board shall decide the question and its decision thereon is final and conclusive.

Application for Certification of Bargaining Agent

10. (1) An application by a trade union for certification as bargaining agent under section 7 of the Act shall be in writing duly signed on behalf of the trade union as provided in section 47 of the Act and verified by statutory declaration or affidavit of the person or persons who signed the application.

Industrial Relations and Disputes Investigation Act—continued

(2) Upon the filing of the application the Board shall give notice thereof and send one or more copies of the application to the employer of the employees in the proposed bargaining unit and to any other interested party.

(3) In any particular case where the Board deems it advisable, the Board may require the employer to post one or more copies of the application and notice and to keep them posted for seven days in a conspicuous place or places in his establishment where they are most likely to come to the attention of the employees in the proposed bargaining unit, and in such case, forthwith upon the expiry of the period of posting, the employer shall file with the Board a statutory declaration proving compliance with the instructions of the Board for posting.

(4) Within seven days of receipt of the notice and copy of the application, the employer and any other party to whom the notice is sent shall notify the Board that he desires or does not desire, as the case may be, to intervene to contest the application and file his reply thereto.

(5) Where notice of intervention is filed by the employer or other interested party, the party filing the notice shall file with the Board, within fourteen days of service upon him of the notice and copy of the application referred to in subsection (2), a reply to the application in writing signed on his behalf as provided in section 47 of the Act and verified by affidavit or sworn declaration of the persons who signed the reply.

(6) The reply shall contain a concise statement of the material facts upon which the intervener intends to rely and shall specifically admit or deny each of the statements made in the application.

(7) The reply shall also state whether or not a hearing before the Board is desired by the intervener in order to present evidence or make further representations in the matter, and where a hearing is requested, the reasons for such request, the nature of the further oral representations or evidence that it is proposed to make or present, shall be stated.

(8) Upon the filing of the reply, the Board shall send a copy thereof to the applicant who shall inform the Board forthwith upon receipt thereof whether or not he desires a hearing on the application for the purpose of making oral representations or presenting evidence and the nature of the representations and evidence it is proposed to make or present at the hearing.

(9) Where the Board is of opinion that a hearing on an application is advisable, notice fixing a time and place of the hearing shall be given to the applicant and to the employer and to all other interveners filing replies; the notice may be given by mail, telegraph or telephone.

Application to Prescribe a Provision for the Final Settlement of Differences Concerning Meaning or Violation of a Collective Agreement

11. (1) An application to the Board to prescribe a provision for the final settlement of differences concerning the meaning or violation of a collective agreement may be made to the Board by either party thereto signed in the manner provided in section 47 of the Act and duly verified by affidavit or statutory declaration of the person or persons who signed the application.

Industrial Relations and Disputes Investigation Act—continued

(2) The application shall set forth the names and addresses of the parties to the collective agreement in respect of which it is desired to have the provision prescribed, the date of execution of the agreement and its duration, and the reasons for making the application; a true copy of the collective agreement shall be filed with the application.

(3) Upon filing of the application, the Board shall give notice and send a copy thereof to the other party to the collective agreement.

(4) Within fourteen days of receipt of notice and copy of the application, the other party to the collective agreement may file with the Board a written reply to the application signed as provided in section 47 of the Act and verified by affidavit or sworn declaration of the person or persons who signed the reply.

(5) The reply shall contain a concise statement of the facts and arguments upon which the party making a reply intends to rely and shall specifically admit or deny each of the statements made in the application.

(6) The reply shall also state whether or not a hearing before the Board is desired in order to make further oral representations or present evidence and where a hearing is requested, the reply shall state the reasons therefor and the nature of the representations or evidence that it is proposed to make or to present.

(7) Upon the filing of the reply, the Board shall send a copy thereof to the applicant who shall inform the Board forthwith whether or not he desires a hearing on the application and, if so, the nature of the oral representations or evidence that he proposes to make or present at the hearing.

(8) Where the Board is of opinion that a hearing on an application is advisable, notice fixing the time and place of the hearing shall be given to the interested parties; the notice may be given by mail, telegraph or telephone.

Complaints Alleging Failure to Negotiate

12. (1) Where the Minister of Labour pursuant to section 43 of the Act has referred to the Board a complaint from a party to collective bargaining that any other party to the collective bargaining has failed to comply with paragraph (a) of section 14 of the Act or with paragraph (a) of section 15 of the Act, the Board shall send a copy of the complaint to the party alleged to be in default and shall by notice require that party to file and that party shall thereupon file with the Board within ten days of receipt of the notice, a reply to the complaint in writing signed in the manner provided by section 47 of the Act and verified by affidavit or statutory declaration of the persons who signed the reply.

(2) The reply shall state whether or not a hearing in the matter is desired and, if so, the nature of the representations or evidence that it is proposed to make or present.

(3) Before proceeding as provided in subsection (1) the Board may require the complainant to furnish further particulars in writing of the complaint and a full statement of the facts relied upon in support thereof duly verified by affidavit or statutory declaration.

(4) The reply to the complaint shall contain a concise statement of the facts upon which the party making the reply intends to rely and shall

Industrial Relations and Disputes Investigation Act—continued

set out the facts and circumstances relating to the bargaining negotiations within the knowledge of that party and shall specifically admit or deny each of the statements made in the complaint.

(5) The respondent shall forward with the reply a copy of any notice or notices to commence collective bargaining given by or on behalf of the complainant to the respondent or by the respondent to the complainant and being or purporting to be given pursuant to section 12 or section 13 of the Act and received or given by the respondent, as the case may be.

(6) Where the Board is of opinion that a hearing on a complaint is advisable, notice fixing the time and place of hearing shall be given to the interested parties; the notice may be given by mail, telegraph or telephone.

(7) Upon the filing of a reply, the Board shall send a copy thereof to the complainant.

(8) Notwithstanding anything in this section, the Board may at any time following receipt of a complaint referred to the Board by the Minister, if it deems it expedient to do so, set the matter down for hearing before the Board at such time and place as may be fixed by the Board therefor.

(9) In the disposition of the complaint, the Board may take into consideration the reports of any inquiries made by it or that the Minister of Labour has caused to be made in connection with the complaint prior to the transmission of the complaint to the Board and that the Minister has made available to the Board.

Failure to Make Reply

13. Where upon an application or other proceedings before the Board, a party fails to give notice or to make reply within the time prescribed by these rules for doing so, that party is not entitled, except by leave of the Board, to any further notice of proceedings in the matter or to make further representations or to give further evidence to the Board in connection therewith.

Time of Filing

14. (1) Where the Board has directed a trade union or employers' organization to file with it a statutory declaration stating the names and addresses of its officers or a copy of its constitution and bylaws, the trade union or employers' organization shall comply therewith within seven days of the receipt of notice. .

(2) Every trade union and employers' organization making application to the Board under these rules shall file with the Board a copy of its constitution and bylaws and the names and addresses of its officers, if they are not at that time already on file with the Board.

Member in Good Standing

15. For the purposes of section 7 of the Act, a member in good standing of a trade union shall be deemed by the Board to be a person who, in the opinion of the Board, is at the date of the application for certification

Industrial Relations and Disputes Investigation Act—continued

- (a) a member of the union; and
- (b) has, on his own behalf, paid at least one month's union dues for or within the period commencing on the first day of the third month preceding the calendar month in which the application is made and ending upon the date of the application; or
- (c) where he has joined the union within the period mentioned in paragraph (b) has, on his own behalf, paid the union application or admission fee in an amount at least equal to one month's union dues.

Votes of Employees

16. (1) Where the Board has directed that a vote be taken of the employees in a bargaining unit, the Chief Executive Officer is responsible for the taking of the vote and reporting thereon to the Board and, subject to the direction of the Board, he has authority on behalf of the Board to settle all matters pertaining to the taking of the vote and to issue directions deemed necessary by him for the taking of the vote including, without restricting the generality of the foregoing authority to

- (a) settle the list of employees entitled to vote;
- (b) settle the form of the ballot;
- (c) fix the method of voting and the time and place or places for the taking of the vote;
- (d) settle the forms of notice of election and provide for the posting thereof;
- (e) appoint a returning officer, deputy returning officer and poll clerks as he may deem necessary;
- (f) direct, in any case, that certain ballots be segregated and referred to the Board for a ruling; and
- (g) give any special directions he may deem necessary as to the proper conduct of the vote.

(2) Every interested party shall comply with every reasonable request made by the Chief Executive Officer, or any person designated by him to assist in the taking of the vote, for information or assistance required by him in the preparation for or the taking of the vote.

17. (1) The Chief Executive Officer of the Board, subject to the direction of the Board, is responsible for the processing of applications made to the Board, the issue of notices on behalf of the Board, the conduct of investigations for the Board in connection with applications and other matters coming before the Board and may, subject to the direction of the Chairman, in his discretion, undertake or cause to be undertaken such investigation on the Board's behalf as he deems necessary in the circumstances of the case, and is responsible for the preparation and submission of reports to the Board concerning the matters mentioned in this section, and, subject to the direction of the Chairman, the issue of orders giving effect to the decisions of the Board.

(2) The Secretary of the Board shall keep a record of the proceedings and decisions of the Board and orders made by it, and shall assist the Chief Executive Officer in the discharge of his duties; in the absence of the Chief Executive Officer for any reason the Secretary shall act in his place.

18. A summons to require any person to appear before the Board to give evidence or to give evidence and bring with him any documents in his

Industrial Relations and Disputes Investigation Act—concluded

possession or under his control in the following form, varied to suit the case, shall be deemed good and sufficient for that purpose and may be given by the Chairman or the Chief Executive Officer, and service thereof may be effected by personal service on the person to whom it is directed:

SUMMONS

Before the

CANADA LABOUR RELATIONS BOARD

To:

IN THE MATTER OF THE INDUSTRIAL RELATIONS AND DISPUTES INVESTIGATION ACT and of

..... affecting
..... (Applicant)

and

..... (Respondent)

and

..... (Intervener)

WHEREAS it has been made to appear that you are likely to give material evidence respecting the above-cited matter, you are hereby summoned and required to appear before the Canada Labour Relations Board at a hearing to be held at in the City of on the day of at the hour of in the noon, and so from day to day until the matter is heard, to give evidence touching the matter in question (and to bring with you at the time and place aforesaid and produce before the said Board and any other books, papers or documents in your custody or under your control in any way relating to the said matter).

Given under my hand this day of

....., 19....

.....
(Name and title of signing officer)
Canada Labour Relations Board.

INLAND WATER FREIGHT RATES ACT. (R.S.C., 1952, c. 153)

Order No. 20 of the Board of Grain Commissioners for Canada

DEPARTMENT OF TRADE AND COMMERCE

The Board of Grain Commissioners for Canada pursuant to the powers conferred by section 5 of the Inland Water Freight Rates Act is pleased to order as follows:

1. Order No. 19 made by the Board under the authority of the Inland Water Freight Rates Act on February 5, 1951, is hereby revoked effective September 28, 1954; and,

2. In substitution for the order hereby revoked and effective from September 28, 1954, until further order, the maximum rates per bushel for carrying grain by lake and river navigation are hereby made and established as follows:

	<i>Wheat</i>	<i>and Rye</i>	<i>Barley</i>	<i>Oats</i>
	cents	cents	cents	cents
(a) From Fort William or Port Arthur, Ontario, to:				
Georgian Bay Ports, Goderich, Sarnia and				
Walkerville	5½	5¼		5
Port Colborne	7½	7¼		6¾
Toronto	8	7½		7¼
Kingston	8¾	8¼		8
Prescott	9	8½		8¼
Montreal, Sorel, Three Rivers and Quebec City,				
Direct or Transferred at Intermediate Ports	16	15¼		14
(b) For grain loaded during the month of December in any year these				
maximum rates are increased two cents (2¢) per bushel to compensate				
for increased insurance rates.				

Dated at Winnipeg, Manitoba, this 28th day of September, A.D. 1954.

D. G. McKENZIE,
Chief Commissioner.

JOHN VALLANCE,
Commissioner.

R. W. MILNER,
Commissioner.

K. HLYNKA,
Secretary.

INSPECTION AND SALE ACT. (R.S.C., 1952, c. 155)

Inspection and Sale Regulations

UNDER AND BY VIRTUE of the authority conferred upon me in the Inspection and Sale Act, I hereby revoke all regulations made under the said Act and substitute therefor the following regulations:

JAMES G. GARDINER,
Minister of Agriculture.

Ottawa, September 27, 1954.

THE INSPECTION AND SALE REGULATIONS

Short Title

1. These regulations may be cited as the *Inspection and Sale Regulations*.

Interpretation

2. In these regulations, "Act" means the Inspection and Sale Act.

PART 1—BINDER TWINE

Sampling and Testing

3. (1) One ball of binder twine in any one hundred bales or part thereof constituting the lot for inspection shall be selected as an official sample or samples for any of the purposes of the Act.

(2) The length of binder twine per pound as stated by the dealer on the label shall be verified by weighing that length of twine drawn from the official sample and comparing the result with the length stated on the label.

(3) The twine for the test shall be measured subject to a tensile pull of approximately twenty-five pounds.

(4) The part of the ball that has been tested and the remainder of the ball shall be retained by the official analyst who made the test for at least six months after the result of the test is reported.

Importation

4. (1) Every shipment of binder twine for importation into Canada shall be accompanied by a certificate, in triplicate, signed by the shipper or importer, which shall be attached to the invoice for customs purposes.

(2) The said certificate shall be in the following form:

The Collector of Customs,

Port of

I, the Shipper or Importer of
(name)

.....
(address)

Inspection and Sale Act—continued

do hereby certify as to the correctness of the following information with respect to this shipment of binder twine for entry into Canada:

(a) The name and address of the manufacturer:

.....
.....

(b) The name and address of the shipper or importer (if signed by the shipper give name and address of importer; if signed by the importer give name and address of shipper);

.....
.....

(c) Particulars of the shipment:

Number of bales in each lot	Number of balls in each bale	Weight per ball	Labelled feet per pound
-----------------------------------	------------------------------------	-----------------------	-------------------------------

.....
.....
.....

.....
(Signature of shipper or importer)

.....
(Date)

.....
(Address)

Shippers and importers may obtain copies of the above form at any Plant Products Division office in Canada.

(3) The Collector of Customs at the port of entry shall forward one copy of the certificate to the nearest office of the Plant Products Division, and shall not release any shipment of binder twine until he has been notified by an inspector to release such shipment.

PART II—FLAX FIBRE

5. The classes of flax fibre are as follows:

- (a) SCUTCHED FLAX is flax fibre recovered from retted fibre flax straw and processed in such a manner as to render it suitable for hackling by retaining the fibres in their original relationship to one another in respect to seed and root ends.
- (b) SCUTCHED FLAX Tow is flax fibre recovered from retted flax straw or a by-product of scutched flax processed in such a manner that no regard is given to the relationship of root and seed ends.

Inspection and Sale Act—continued

6. The standards of grade of flax fibres are as follows:

(a) SCUTCHED FLAX

- (i) Canada Grade 1—is of good uniform colour, practically free from shives, well combed, of good tensile strength and spinning quality, and in length reasonably uniform and not less than twenty-three inches squared.
- (ii) Canada Grade 2—is of uniform colour, practically free from shives, satisfactorily combed, of reasonably good tensile strength, and in length not less than twenty-three inches squared.
- (iii) Canada Grade 3—is reasonably free from shives, satisfactorily combed, in length not less than twenty-three inches squared; it may contain a small proportion of off-coloured fibre.
- (iv) Canada Grade 4—is reasonably free from shives and in length not less than twenty-three inches squared; it may contain off-coloured fibre, but must not contain more than five per cent of foxy-coloured fibre and must be of satisfactory spinning quality.
- (v) Sample Grade—is flax fibre of satisfactory spinning quality which does not conform to the standards for the preceding grades or which possesses characteristics not specified in the standards for the preceding grades.

(b) SCUTCHED FLAX TOW

- (i) Pluckings
Canada Grade P1.—is comprised of short pieces of fibre obtained from dressing scutched flax; it must be at least equal to the standards prescribed for scutched flax, Canada Grade 4.
- (ii) Canada Grade A—is tow recovered from retted flax straw and is of uniform grey colour, fine in texture, of best possible length and strength, of good spinning quality, free from knots and well cleaned.
- (iii) Canada Grade B—is tow recovered from entire retted flax straw and must be of good colour, containing not more than ten per cent of foxy-coloured or off-coloured fibre, reasonably clean and of good strength and length; the fibre may be dryer and coarser than the standards prescribed in scutched flax tow Canada Grade A.
- (iv) Canada Grade C—is tow recovered from entire retted flax straw and must be reasonably well cleaned, of reasonably good length and strength; it may contain foxy-coloured or off-coloured fibre but must be of a satisfactory spinning quality.
- (v) Canada Grade D—is tow recovered from retted flax straw or a by-product of scutched flax and is reasonably clean, reasonably free from knots, of good colour, and contains not more than ten per cent foxy-coloured or off-coloured fibre; but may be composed of fibres shorter and weaker than the requirements of scutched flax tow grades Canada Grade A to Canada Grade C inclusive.

Inspection and Sale Act—concluded

- (vi) Canada Grade E—is tow recovered from retted flax straw or a by-product from the scutching of flax and must be reasonably clean, reasonably free from knots; but may contain fibres shorter and weaker than the requirements of scutched flax tow grades Canada Grade A to Canada Grade D inclusive.
- (vii) Canada Grade F—is tow recovered from entire flax straw or a by-product from the scutching of flax, excluded from the preceding grades on account of lack of strength, length, colour or cleanliness, but containing a sufficient degree of such qualities as to be of spinnable value.

7. (1) Subject to subsection (2) for the purposes of these regulations the grade, class and quality of flax fibre shall be determined by an inspector.

(2) Any person who questions or disputes any grade, class or quality as determined by an inspector may refer the question or dispute, together with a sample of the flax fibre in question, to the Officer in Charge, Plant Products Division, of the Department of Agriculture, Ottawa, and his determination of the grade, class or quality shall be final.

(3) An inspector shall retain a representative sample of each lot of flax fibre inspected by him for at least six months after the inspection.

8. An inspector may issue a certificate with respect to any flax fibre inspected by him showing the number of the certificate, the class of the flax fibre and the grade and quantity thereof, together with the date and place of inspection.

9. Every bale of flax fibre shall be labelled by or under the authority of an inspector so as to show the following:

- (a) the name and address of the processor or vendor, as the case may be,
- (b) the address of the mill where the flax fibre was processed,
- (c) the class and grade of the flax product as determined under sections 5 and 6, and
- (d) the number of the inspection certificate issued by the inspector.

10. Application for inspection of flax fibre shall be made on the prescribed form to the District Supervisor of Plant Products Division, Canada Department of Agriculture, in whose district the inspection is to take place.

11. Every applicant shall pay a fee of one dollar for each ton of flax fibre or part thereof inspected.

PLEASE DO NOT REMOVE
CARDS OR SLIPS FROM THIS POCKET

UNIVERSITY OF TORONTO LIBRARY

~~Statutes~~

~~Can~~

~~v.2~~

~~General~~

~~Reference~~

Canada. Laws, statutes, etc.
Statutory orders and
regulations; consolidation,
1955



3 1761 11550177 7